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CONSTITUTIONALISM OF  
THE FUTURE.



# CONSTITUTIONALISM

OF

## THE FUTURE

OR

### *PARLIAMENT THE MIRROR OF THE NATION*

BY

JAMES LORIMER

REGIUS PROFESSOR OF PUBLIC LAW IN THE UNIVERSITY OF EDINBURGH,  
AUTHOR OF 'POLITICAL PROGRESS NOT NECESSARILY DEMOCRATIC,'  
ETC. ETC.

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*To the*

*Working Men of Great Britain.*

IN the following pages I have maintained that the fruits of our labours are the chief sources of our rights; and nothing surely can be more appropriate than that I should dedicate such an argument to those who claim, by pre-eminence, to be "the sons of toil." Nor is the case altered though I ascribe to this source those rights which we claim to have inherited from our fathers, and which we hope to transmit to our children, as well as those which our own hands or heads have won for us. That the family is the root of the state is a fact which I know is familiar to your minds. Much as you prize your rights as citizens, your rights as children and parents are dearer to you still; and from the latter the rights of inheritance are inseparable.

But the fruits of men's labours are not equal, because God has not given us equal powers, and we do not all use our powers alike. And these inequalities are rendered greater by inheritance and transmission. The labour of one single man often raises him and his from poverty to wealth. The labours of

two or three generations make all the difference between "the very rich and the very poor." If we accept labour, then, as the source of our rights, these rights cannot be equal; and if I preach to you the rights of labour, I cannot preach to you the rights of equality. It is in this circumstance that my difficulty in approaching you lies; and many will think that in approaching you at all, I exhibit a quixotic confidence in your willingness to listen to the truth. My own feeling is, that in exhibiting this confidence I pay you a much higher compliment than those which are commonly addressed to you; and a compliment of a kind which British workmen are far more capable of appreciating than those who court their favour are accustomed to imagine. I am quite aware that he who tells you the truth must not look for the guerdon of him who flatters you. For me there will be no banquets and no banners. I cheerfully accept the condition, and ask of you nothing but your *thoughts*. But if you will kindly grant me this boon, I am not without hope that at some future period you may add to it the very sincere good wishes, which, in the meantime, I pray you to accept.

J. L.

# CONTENTS.



DEDICATION TO THE WORKING MEN OF GREAT BRITAIN	v
--	---

## CHAPTER I.

THE DECADE OF DOUBT	i
---------------------	---

## CHAPTER II.

THE NEW-BORN FAITH	12
--------------------	----

## CHAPTER III.

THE RADICAL'S ANSWER	31
----------------------	----

## CHAPTER IV.

THE WHIG'S ANSWER	41
-------------------	----

## CHAPTER V.

THE CONSERVATIVE'S ANSWER	78
---------------------------	----

## CHAPTER VI.

CONSTITUTIONALISM REALISED	103
----------------------------	-----

## CHAPTER VII.

TESTS OF CAPACITY, AND MEASURES OF RIGHT	124
--	-----

CONCLUSION	175
------------	-----



## CHAPTER. I.

### THE DECADE OF DOUBT.

I CANNOT imagine a more interesting, instructive, or withal novel study than the course through which political thought and feeling have passed, in this country, during the last ten years; and yet, so unobtrusive has been its character that it has been unobserved and unthought of by the vast majority even of observant and thoughtful persons. Men's minds have not been stimulated by stirring events. Within our own borders we have been too happy for revolution, too contented even for gradual change; and the voice of the breakers on other shores has but deepened the sense of domestic tranquillity. It has been a day of rest, a period of national reflection and meditation, not of action

or of passion. And yet I am greatly mistaken if "rest and be thankful" be the only sentiment which this political Sabbath has engendered. In the outward historical sense there has been no political progress, and little political life; but good seed has been sown in soil which ages of unconscious effort had been preparing for its reception, and germs have been conceived which warrant for this country the hope of a political existence more perfect and more prolonged than any that the world has seen.

It was not likely that such a time would call forth practical politicians of unusual energy, or of strongly-marked individual character. Accordingly not a single new leader of note has appeared, and our old leaders have shown themselves singularly and exceptionally destitute of personal views. Honest and careful overseers of the constitutional vineyard, they have been contented to conform their husbandry to the traditions which they in-

herited ; or to allow themselves to be placidly carried along by the current of the time, they knew not whither. Even speculative politicians of acknowledged reputation have been awanting. With the single exception of Mr Mill, there is not a political writer whose works have been widely read ; and great though he is admitted to be in so many departments which bear on society, in the field of constitutional politics even he enjoys, as yet, a disputed reputation. All the others, scarcely excepting so great and wise a man as the late Sir George Cornwall Lewis, have been historians of opinion and classifiers of recorded experience, rather than thinkers or observers on their own account. To them, as to our political historians in a more general sense, our obligations are very great ; but they are indirect. They have worked out no system ; they have founded no school ; they will leave no disciples. By writers of a more ephemeral and less disinterested class

anything approaching to a discussion of principle has been shunned—partly because such subjects are believed, erroneously I think, by editors and publishers to be unpopular ; partly, I daresay, from a sense of weakness analogous to that which very properly withholds many estimable divines from doctrinal controversy. In this respect, indeed, our politicians have remained far in arrear of our theologians ; for whilst a science of theology has sprung up, almost within the period of which I speak, which will mark the epoch, the bare possibility of a science of politics is scarcely yet acknowledged. And yet it is in this direction that the latent thought of the country is actually tending. The average national mind has become deeper, more thoughtful, more consistent ; and has thus been unconsciously preparing itself for the reception of the science which its own advancement foreshadowed. For the first time in our history the feeling has got abroad that it is in spite of the anomalies


of our constitution, and not in consequence of them, that we have prospered ;—that *two* erroneous doctrines, even whilst they continue to counterbalance each other, are but a poor substitute for *the* truth ; and that the chances of the continuance of this balance of evils in this country are diminishing every day by the growing preponderance of one of them. It is out of these feelings that the aspiration after a reasoned and harmonious scheme of political existence has sprung.

The discussion of first principles, which must precede the formation of such a scheme, is still regarded by our elder politicians with superstitious terror—a feeling which originated in the unsuccessful investigation of these principles on erroneous methods, during a period within the recollection of some of them, and of which all of them felt the effects. In the circumstances in which it arose this irrational antipathy to what is the condition *sine qua non* of all safe action, was perhaps inevitable, and

its continued influence over minds in which it has once taken root, need not be regarded as a reproach. And yet, so strangely does the want of moral and intellectual courage avenge itself, that some of the spectres which wise men most dreaded during that terrible time still walk the earth, and endanger our present security, simply because we were too much afraid of them to stop them and question them when they first appeared amongst us. Beliefs which could not have survived the ordeal of open discussion for an hour, when clothed in the garments of authority with which historical accidents had invested them, have set reason at defiance for half a century, and even of late have maintained with it a doubtful battle. But though not less reverent than our fathers, reverence for reason, in the generation now rising into power, has to some extent substituted itself for the reverence for mere authority. Historical investigations, embracing a wider field and con-

ducted with far greater caution, have taken the place of the hasty inductions of a narrow experience ; and though men scarcely venture yet to renounce their traditionary beliefs, they hesitate to act on them until they shall have anew received the sanction of a rational assent. It is this wise hesitation to which the name of political apathy has been given, and the presence of which has so bewildered the veteran champions of party, who are still ready to plunge into action at the sound of their old war-cries.

I have said that political scepticism has been the birth of the last ten years. I do not mean that in exceptional cases it did not exist, and express itself, long before. We know that there were Reformers before the Reformation ; and heresy, if it has formed the antithesis, has quite as frequently supplied the complement of orthodoxy. But till within the last ten years, or thereabouts, the three prevailing creeds were supposed to embody the full



measure of political truth. To doubt the fact, still more to hint at the possibility of a new symbol more liberal than Radicalism, more conservative than Conservatism, safer and more worldly-wise than Whiggery, which should harmonise and ultimately supersede them all, was regarded as a mere whim, an instance of individual eccentricity, and he who propounded it was denied a hearing, not, as is still frequently the case, from a secret fear of conversion, but because, to the vast majority of men, these party creeds really were living and operative beliefs. The Radical never doubted that liberty would be incomplete till it found expression in absolute and universal political equality, and contemplated the ultimate reign of democracy without a misgiving. The Tory doubted as little the necessity, the righteousness, or the possibility of political finality ; and was willing to peril everything to maintain the existing limitations of power. The Whig was ready

to adopt both alternatives, heedless of the contradiction they involved ; or, satisfied if he distrusted them that they would counterbalance each other, he hoped that, without opposing any sufficient answer to either beyond alleging the inconvenience of its present realisation, he would be permitted to follow a middle path, and to gather the harvest of office before the deluge came.

I am aware that nine men out of ten will tell me in substance that such is still their position ; nor should I feel in any degree justified were I to accuse them of disingenuousness in making the assertion. The so-called opinions of the majority of men are still, and will probably always be, mere prejudices. Moreover, whilst parties remain unbroken, there are few men who have not very substantial reasons for *wishing* to adhere to them, and the wish very often is father to the thought. Where scepticism is involuntary, the proverb comes into play, that

"A man convinced against his will  
Is of the same opinion still."

To the various motives which self-interest, association, consistency, and personal affection oppose to the disruption of old ties, there falls to be added the fact, that the grounds of the misgivings which have inconveniently taken possession of men's minds are far from being clearly apprehended. The new faith which tempts them, like the old faith which they inherited, is as yet a matter of feeling rather than of reason; and the feeling is rather that they are insecure of their old ground than secure of their new. Why should they desert the leaders of their parties when no new leader as yet has unfurled a banner to which they can betake themselves, or propounded a doctrine which they can understand? So situated, each man struggles for an answer to his doubts which shall keep him within the limits of his party. The fact of the struggle is the

novelty of the time ; the relevancy of the answers, as exhibited in the speeches and addresses which appeared in the newspapers during the recent election, with reference to the crucial question of the suffrage, is the subject which I propose to discuss in the three following chapters.

## CHAPTER II.

### THE NEW-BORN FAITH.

THE first and most indispensable requisite for the just appreciation of an answer, being a clear conception of the question, it will be necessary, before proceeding to discuss the attempts that have been made to set aside the new faith, that I should endeavour to enunciate it to the reader in a form somewhat more definite than it has yet assumed in the public mind. In so doing, I shall purposely refrain from anticipating those portions of the work in which I shall consider its effects, and the schemes which have been, or may be, suggested for its practical realisation.

The primary consideration then, which, as it seems to me, has begun to impress itself on men's minds in consequence of

the deeper cogitations in which they have recently engaged, is, that the principle which lies at the root of all sound legislation, which alone can communicate to a human enactment the character of a law, is that it shall be a recognition and vindication of the arrangements of God's providence. It is in these arrangements that *law* (and I beg the reader will not attempt to escape from me by alleging that I mean natural law or divine law, or anything vague or transcendental, for I mean simply human, enacted, positive law)—it is in these arrangements, I say, that positive law finds its only possible basis—its basis in fact ; and it is in resting on them that jurisprudenec in all its departments strikes root in nature, and rises to the dignity of a science. The laws of our social life, even the minutest and the most ephemeral, if they really possess the characteristics of law at all, are not arbitrary ; they are not of our own making ; they are made for us by God ; and our duty is simply to *dis-*

cover them, and to apply to their vindication the means which He has placed at our disposal, in the time and place which He has assigned to us as the sphere of our activity. When men were once delivered from the vulgar conception of a law, as a mere ingenious human contrivance, and elevated to this higher, serener, and more stable point of view; when they had seized the true principle of legislation, or rather by the interposition of what, without profanity I think, we may call God's grace, had been seized by it, it was inevitable that they should apply it to the subject that was uppermost in their minds, and on the attitude which they assumed with reference to which their own political position manifestly depended. With more or less precision, then, they asked themselves, What, seen in this light, is the true character and measure of the political power which may be justly claimed, and which alone can be justly recognised as belonging to the various

classes of the community? If fact be the basis of law—if the object of legislation be to recognise the distribution which God has made of his gifts, and to assert and vindicate it, not to redistribute them—ought the suffrage to be extended at all, and if so, ought it to be extended equally? When this point had been reached all further progress depended obviously on the answers which should be returned to two or three questions of fact: there was “issuable matter,” as lawyers say; the case was ripe for a jury.

I wish it had been sent to a jury with all my heart, and that a good hard-headed passionless old judge, who cared neither for Whigs nor Tories, but loved truth in the morning and claret in the evening, had been appointed to guide the said jury in their deliberations; for I am persuaded that if one fiftieth part of the skill and industry that is every day devoted to the pettiest questions of inheritance, or the most trivial claim for damages, had been

brought to bear on the investigation of facts which must determine the character of our future constitutional legislation, our general course of action would long ago have been a matter of agreement, and questions of how much or how little would alone have remained for us to settle. But for some strange reason, that I never could fathom, our skilled labour and our skilled labourers are all reserved for our private affairs ; and whilst these are conducted with infinite deliberation, under the superintendence of persons, and with the help of arrangements which shut out almost the possibility of error, public questions are left to the unaided solution of unpaid and undisciplined volunteers, who, regarding the occupation as something between sport and duty, devote to it only their superfluous leisure. So it was in the present instance. Any one who fancied that he had a turn for such inquiries, or who found that he had a turn for nothing else, constituted himself a jury-sole, and exa-

mined such witnesses as he thought proper. Men of meditative tempers called for the evidence of their own natures, and examined their own consciousness; men of research looked into the experience of the past; men of observation into the experience of the present. It was all done in the most irregular, unsystematic, and hap-hazard manner. Few men knew what they did, or how, or why, they did it. And yet there was a wonderful similarity in the questions which they asked themselves,—in the issues, so to speak, which they sought to try,—and even in the verdicts which they obtained. Nor was this unanimity so wonderful if we consider that the subject of inquiry was our common human nature; and the evidence, in whatever form it might be tendered—whether it was mirrored within us or reflected from the society that surrounded us—was that nature's revelation of itself.

The issues which men mostly sought

to try, if I am not mistaken, were in substance these :—

1. Whether God had bestowed upon, or permitted to be acquired by, individuals or classes still beyond the pale of the franchise, powers and capacities similar *in kind* to those upon which the rights of the existing electors were founded ; and if so, upon what individuals or classes ?

2. Whether, in the event of the first issue being answered in the affirmative, these capacities and powers were equal *in degree* either to those of the existing electors, or amongst each other ?

3. In the event of its being held that these sources of political power exist unequally in both directions—that is to say, that the new capacities are neither equal to the old nor equal to each other—whether in such circumstances they warrant the recognition of equal political powers ; and if not, of what kind, or measure of powers ?

It is whispered that many of these secret tribunals—these juries-sole, as I have called them—strove hard to dispose of the whole case at once, by returning a negative verdict on the first issue. It would have saved a world of trouble if a line, in its very nature absolute and permanent, could have been drawn between the present possessors of power and all claimants, present or prospective. But where was the principle for such a distinction? If you adopted property as the test of capacity, or the measure of right, and thus adhered to the basis of the present suffrage, the distinction between the ten-pounder and the nine-pounder, or even Mr. Baines's six-pounder, was clearly only a distinction of degree, not of kind; and a distinction of degree possessed no permanent charm. To say that citizenship ends with the possessors of ten pounds a year, was worse than to say that "humanity begins with the Baron;" for the distinction between noble and com-

moner had deep roots in history, if not in humanity, whereas the distinction between a ten-pounder and a nine-pounder was created in 1832, without reason even then,\* and might be abolished to-morrow.

It was the same if any of the new tests of capacity were adopted. The educational test was the favourite; but it was impossible to predicate of him who could read a penny newspaper that he possessed *no* share of the capacity of him who could read the *Times*—had no claim to participate in the privileges, and was under no obligation to divide the responsibilities which that sublime accomplishment conferred. We had no such distinction as that between black men and white men to fall back upon; and from that distinction, even if we had had it, most of us were shut out by the tall-talk in which we had indulged.

An affirmative answer to the first issue

\* "I cannot," said Coleridge, "discover a ray of principle in the government plan" (*Table-Talk*, p. 116).

was consequently agreed on unanimously, if not willingly.

As regarded the second, to shut out a distinction in degree was as difficult as to admit a distinction in kind. If ten pounds meant *everything*, nine pounds must surely mean *something*; and even six pounds must be allowed to be an appreciable quantity. But neither six pounds nor nine pounds would ever become equal to ten pounds, still less to any larger sum. Reading alone would never become equal to reading and writing, still less to reading, writing, and spelling. Neither property alone, nor intelligence alone, would ever be equal to property and intelligence together. No change of basis, no new test, would give relief from the distinction of degree. The distinction of degree was consequently admitted, and a negative answer returned to the second issue.

It was the discussion of this issue which led to the revival of a distinction in political science, quite familiar to the

ancient world, but which, like that science itself, the modern world had contrived to forget for the better part of a century—the distinction, viz., between *absolute* and *relative* equality.

In accordance with the views of no less weighty and venerable an authority than Aristotle, *absolute equality* was explained to be such an identity of social position and personal qualities as would entitle its possessors to the *same* amount of political power (to be represented as equals); whereas *relative equality* was such a common citizenship as would entitle its possessors to a full, free, and *in that sense equal recognition* of their respective positions and qualities, however dissimilar these might be (to be proportionally represented). In accordance with this distinction it was maintained that no representative system, or other organisation for the purposes of self-government, could meet the requirements of a society which had passed its first and rudest stages, unless


so adjusted as to secure not only the equal freedom of all the citizens of the State, but also to take cognisance of their unequal social importance, and, in so far as might be, of such personal inequalities as resulted either from original endowment, or from diversities of training and occupation. To be represented equally, society, it was contended, must be represented as it exists—as an organic whole, consisting of many subordinate but not separate parts ; and not, as it never has existed, and never can exist, as an aggregate of independent and equal human units.

On comparing the theory of the ancient with the practice of the modern world, it was discovered that this distinction had continued to be acted on in the formation of all the political societies that had obtained a permanent footing in Europe—often (as in England) irregularly and unsystematically, but always substantially—down to the period of the French Revolution. When that momentous event oc-

curred all the finer and profounder traditional distinctions of politics were drowned in the cry for absolute equality, which the denial of relative equality—of that equality before the law, which is but another name for justice—had mainly provoked. In America, again, where the boundless extent of territory, and the consequent abundance of remunerative occupation, rendered depressing poverty rare, and where, from the conditions requisite for mental culture being almost wholly wanting, high refinement was still rarer, the social and intellectual characteristics of one man differed little from those of another, and a recognition of absolute equality was less at variance with the actual facts of the case than in old societies. In these circumstances it is not wonderful that the simple and inartificial method of recognising as political equals all who received the rights of citizenship at all, should have been adopted. Nor did it make anything in its favour as an ultimate

arrangement, that for a time it should to some extent have satisfied the expectations of its authors. That a declaration of political equality, as a means of attaining the higher ends of political life, to the extent to which circumstances had permitted it to be tried, had proved a failure in America, was no doubt a very prevalent opinion; but it was contended that even its success, in the abnormal circumstances of that country, would have afforded no guarantee for impunity in setting aside the facts of nature elsewhere. As civilisation and refinement advanced, a declaration of equality *de jure* would recede farther and farther from its *de facto* basis; and an electoral law, of which such a declaration was the essence, would become increasingly insecure and unjust, in exact proportion to the extent to which the declaration itself became untrue.

The third issue divided itself into two branches. The first branch—viz. Whether, on the supposition that the new capacities



and powers were neither equal to the old nor to each other, they notwithstanding warranted the recognition of equal political rights?—was held to have been already answered by the consideration which had given rise to the whole inquiry—viz. that fact is the basis of right. If they were unequal in fact, it was clear on this assumption that the rights which were to rest on them must be unequal also.

The only question that remained, then, was that indicated by the second branch of this issue—viz. How were the unequal rights to be fitted to the unequal facts? To this question the obvious answer presented itself, that if fact was the basis, it must likewise be the measure of right; and that the one must hold an equal ratio to the other. If a fact = A, gave a right = B; a fact = 2 A, would give a right = 2 B. Many considerations would doubtless arise to modify the application of any such mathematical law. The only hypothesis on which anything like a near ap-

proach to its application was conceivable, was the adoption of direct taxation as the sole test of right. If this test were accepted, it was obvious that one man who paid £20 would be precisely equal to two men who paid £10. But to this test there was the obvious objection that it did not bring out the whole facts of the case. Income was not the sole source of power, the only fact which was a guarantee for right—it could not consequently be the sole measure of right ; and to any other—*e.g.* education—a mathematical ratio was scarcely applicable. Still the principle held good. It might be more difficult, in point of fact, to say that B was twice as wise as A, than to say he was twice as rich ; but on the supposition that he was so, it was clear that the educational test, just like the property test, would give him twice the rights and burden him with twice the responsibilities. If a test compounded of property and intelligence were adopted, its application might be still more difficult ; but the

principle of its application was not less clear.

But the question of tests opened up a subsequent and entirely separate branch of the constitutional inquiry, with which those who were dealing with it, as yet, from a purely speculative point of view, were not concerned. As was the fact, so was the right; that was all they cared to contend for in the meantime.

Leaving out of account for the present, then, the question how the proportion between powers and rights, between fact and law, is to be practically adjusted; it will enable the reader to see where we are, and to seize the points of difference between the new doctrine of Constitutionalism and the old doctrines of the prevailing political creeds, if I sum up the discussions of the last ten years, and state the new symbol which, in an unconscious and irregular manner, they have worked out, in the form of a syllogism, thus:—

Our representative system must accept and conform itself to the arrangements of providence, or, in other words, to the facts of nature as exhibited in society.

Human inequality is a fact of nature which society exhibits.

Therefore : Our representative system must accept and conform itself to the fact of human inequality as socially exhibited.

Now, if the legitimacy of this train of reasoning be admitted, the whole question, Whether a farther vertical extension of an *equal* suffrage be or be not a sound legislative measure? is at an end ; for that such a suffrage does *not* accept or conform to the fact of human inequality as socially exhibited, is, I imagine, on the very face of it too plain for argument. All persons, then, who contend for such a suffrage, in whatever measure—and the category includes Radicals, Whigs, and, to their shame be it said, Conservatives

also—all persons who defend an equal suffrage in the past, or propose the extension of such a suffrage in the future—must endeavour to get rid of the stumbling-block which this very simple little piece of syllogistic reasoning places in their way. Let us see, then, how the representatives of the three great parties respectively seek to attain this object.

## CHAPTER III.

### THE RADICAL'S ANSWER.

AND first of the Radical, who, as it seems to me, is by far the most successful of the three. Even the Radical, if he be not also an atheist (and we have no atheists, nowadays, except by mistake), admits, I fancy, the major premiss. He neither calls the justice of God's arrangements in question, nor denies that human beings must accept them as they find them. But if the Radical knows his business, he at once throws the minor premiss to the winds, and boldly occupies the position of which Hobbes was the greatest theoretical defender in times past, and the Emperor of the French, in our own time, is the greatest practical representative. Inequality, he says, is not a fact of nature ; it does not form part of the arrangements

of Providence ;—on the contrary, all men *are* equal, or at any rate equal enough for political purposes. If he says that all men ought to be equal, or to be made equal, then I hold that he does not know his business ; for that assertion is equivalent to a denial of the major premiss, and lands him, not in the logic of Hobbes, but the rhetoric of Rousseau—in all the contradictions and impossibilities that are involved in the assertion that it belongs to human legislation to rearrange the arrangements of Providence. It is in this latter form, and this form alone, that the claim for “ the rights of man ” becomes impious and absurd. That all men have the rights of men is a truism indeed, but is not on that account the less a pregnant and salutary truth. That all men have the rights of *equal men* would be a truth, equally entitled to our reverent recognition, *if all men were equal men*. The thorough-going Radical, then, who, in urging his claim for the extension of an

equal suffrage, sets out with the assertion that all those in whose behalf he claims it, are really equal in virtue, intelligence, experience, knowledge, power, and all the other qualities which constitute rights, or go to make up citizen capacity, occupies a position which I conceive to be logically impregnable, or from which I, at any rate, am not able to drive him. A very learned and ingenious friend of mine tells me in his book,\* as he has often told me before, that he believes the political capacities of all men who can read a penny-newspaper to be equal. If I could share his belief, I should share his opinions ; I should be a Radical as he is ; and should join with him in claiming for all men thus highly gifted an equal share in our representative system. But to me, as the disciple of a faith which is both older and newer than his, it appears that if the reading of a penny-newspaper be good for anything, the reading of a two-

\* *Principles of Reform, Political and Legal*, by John Boyd Kinnear, p. 27.

penny-newspaper, and still more of Burke, and Hallam, and Bacon, and Aristotle, ought to be good for something more; and that the educational test, like all other tests, scarcely excepting the test of mere existence, yields the basis not of an equal but a graduated suffrage.

Even of those Radicals who accept the fundamental position of Hobbes, and thus lay a firm foundation for their claim for a vertical extension of an equal suffrage, very few, I suspect, have courage to follow him in his further and far sounder diagnosis of humanity. Those of them who are Quakers, at all events, must have forgotten that the first consequence which Hobbes derived from the doctrine of equality was *war—bellum omnium contra omnes*; whilst those of them who are Liberals can scarcely remember that the only means which presented itself to his mind of saving civilisation from the consequences of a war of equals, which would have been interminable, was by the volun-

tary acceptance of despotism, and the proclamation of the *Leviathan* by universal suffrage. And yet, of the practical sagacity which guided him in this portion of his speculations, we have, as I have already hinted, a most conspicuous proof before our eyes at this moment in the Continental country which lies nearest to us geographically, and with which our relations are most intimate. The Emperor of the French is the living embodiment of the *Leviathan* of Hobbes. Ostensibly founded on a plebiscite, his despotism continues to rest securely on the principle of equality, which Mazzini and Mr. Bright agree in advocating; and it is continually defended by himself, and accepted by his subjects, on the ground that it is the only refuge against anarchy. It is the truth of this allegation which constitutes the best vindication of Hobbes, and the best title of Napoleon III. to the obedience of France and the respect of Europe. His sway, all hostile to liberty though it be, is the most

reputable outcome we have yet seen of a principle which has constituted the false element in Continental Liberalism ever since the French Revolution ; of which America has exhibited the terrible consequences within the last few years ; which tainted our own Reform Bill of 1832 ; and in virtue of which we are again threatened with a farther vertical extension of an equal suffrage !

But whilst such will be the answer of the true democratic Radical, who knows how to take advantage of the best and the worst, the most consistent and the most baseless of political creeds ; there is a large and increasing body of persons, popularly classed as Radicals, whose members, when returned to Parliament in the recent elections have been claimed by the ultra-Liberal party, to whom the term Radical, in the sense of a believer in equality, is wholly inapplicable, and who, far from attempting to escape from the conclusion of the representative syllogism by the des-

perate expedient I have indicated, accept it in the fullest manner. Politicians of this class, whilst they advocate a vertical extension of political power till it shall ultimately embrace the whole community, repudiate altogether the doctrine of equality, and the consequent claim for the extension of *equal* power. In principle they are, in my opinion, at once the only true Liberals and the only true Conservatives. I say, in principle; because the proportions in which power may be claimed, by the various classes into which every civilised community divides itself for the time being, will still remain a very grave and difficult question of fact—a question which may be so resolved as to endanger progress on the one hand, or stability on the other. The question, too, as to the test or tests by which political right may best be measured, and political capacity may best be tried, is one on which the opinions of those who have seized the true principle of representation may long continue to differ. Some, like Mr. Mill,

will prefer a test which is purely educational; others a purely property test; and a third class (to which I myself adhere) will be of opinion that the tests ought to be as various as the powers which are real, and the qualities which may be supposed to afford a guarantee for capacity. These various questions we shall discuss in the sequel. All that I desire to indicate for the present is, that so-called Radicals of this class are not separated in principle from Constitutionlists of other denominations; and that they can hold out to them the hand of political brotherhood, because they participate with them the saving belief that rights rest upon facts, and are proportioned to their magnitude; and that justice to all men consists in recognising the one and vindicating the other, not as we would make them, but as God has made them.

It is strangely significant of the blindness of the other two political parties, that it is by this class of Radicals alone that

the true principle of Constitutionalism has as yet been recognised. That many more recruits from the Radical ranks will rally to it hereafter, when it has become the symbol of a party, may be confidently predicted. For this occurrence we have a sufficient guarantee in the fact that Constitutionalism recognises the extension of political power to the whole community as an ultimate possibility, not inconsistent with order. But that Constitutionalism should ever absorb Radicalism as a theoretical doctrine, or that the extreme Radical party should practically merge in a Constitutional party, I hold to be far less probable than that either Whiggery or Conservatism should do so, for this simple reason, that Radicalism rests, alone of the three, on an assertion in fact which Constitutionalism must *of necessity* repudiate. It is very possible that the vulgar though not meaningless epithet, by which the revolutionary party has been known in this country for many years, may give place to

some other ; such for example as *Levellers*, by which our Radicals were still more aptly designated in the days of the Commonwealth. But call them what we or our children may, their distinctive character is that of opponents to social and political organisation ; and there will be opponents to organisation so long as the State exists, and there are men who are discontented with their own position, and envious of the positions of other people. To hope for their disappearance is to hope that humanity should be delivered from human faults and follies. We shall have reached the limits of the attainable when the parties who recognise the necessity and the righteousness of social distinctions shall have played out the game of cross-purposes in which they have been so long engaged ; and when the only opponent of the Constitutionalist who accepts the world as it is, will be the Revolutionist who would make it over again, according to his fancy.

## CHAPTER IV.

### THE WHIG'S ANSWER.

IN a theoretical point of view Whiggery is the weakest of all political doctrines ; and yet, strange as it may seem, it is to this very circumstance that the Whigs, as a party, owe no small share of their practical success, and that the Constitutionalist can practically approach them nearer than any other partisans. With scarcely any distinctive principles of his own, the Whig is a creature of shifts and compromises, always ready to run over to the sunny side of the wall. That he should borrow from both Radicals and Conservatives need not be a reproach to him ; for not only do the creeds of both contain elements of truth, but, taken together, they contain *the truth*—the prin-

ciple of Constitutionalism in its integrity, though not in a form in which it is applicable to the wants of society as it now exists. But the misfortune of the Whig is, that he borrows what is false, in each of the opposing systems, just as readily as what is true; and thus, though he is in friendly relations with both, he never succeeds in reconciling them, and continues himself to be a plagiarist rather than an eclectic. The complemental half-truths which Radicalism and Conservatism respectively recognise and seek to vindicate are liberty and order; and these half-truths, or partial objects of political endeavour, are not only perfectly reconcilable, but absolutely inseparable. In this sense truth is one; for you cannot have liberty without order, or order without liberty. Now, if the Whig had confined himself to these, he would have had a consistent and harmonious doctrine; he would have been the Constitutionalist, who, in the party sense, is still the object of our hopes.

But alongside of these fragmentary beliefs and principles of action, Radicalism recognises the false principle of equality, and Conservatism recognises the false principle of exclusion. These two false principles are irreconcilable, because errors are mutually repellant. If you have equality, you must abandon exclusion; if you have exclusion, you must abandon equality; and thus Whiggery, which recognises both of these errors—the first in its advocacy of an equal suffrage, and the second in its limitation of this suffrage by some undefined and undefinable line—becomes, of necessity, an inconsequent, self-contradictory, and suicidal doctrine.

It is a necessary consequence of the illogical character of his belief that a Whig, as such, cannot reason and live; for the moment he attempts it his Whig life goes out of him, and a Radical or a Conservative spirit carries him off as its own. Old Whigs are quite aware of this

condition of their political being. A young Whig, on the contrary, frequently falls into the snare of attempting to rest his case on what he calls a *principle*; but, whether his antagonist be a Radical or a Conservative, the invariable result is, that he reminds him that he is no longer fighting on his own ground, and claims that he shall be warned off the neutral territory.

It is not surprising, in such a position, that the Whig should have a dread of first principles, which always turn out to be somebody else's principles; and of the principles which he dreads, the most terrible is the Radical principle, that *the suffrage is a right*. In this doctrine the Whig sees a recognition of the "rights of man," which he is shrewd enough to perceive that his own previous admission of the doctrine of equality would convert into "the equal rights of all men," a doctrine of course absolutely and inevitably involving democracy in its most unchartered form.

Shut out by this unhappy admission from the relief which a distinction of degree would have afforded him, the Whig seeks escape by a side-wind, which carries him into the very jaws of his enemies. The suffrage, he says, is *not a right, but a privilege or a trust*; phrases which either have no meaning, or a meaning that is fatal to his claim to the character of a Liberal. For the moment that such words as *privilege* and *trust* are mentioned, the questions immediately arise—"Who confers the privilege?" "Who grants the trust?" and the whole scheme of Whiggery vanishes either into absolute monarchy, or at the very least into exclusive oligarchy. In the least unfavourable view of the matter, the whole population of a free country is, and must continue to be, divided into two classes—a class that is privileged, and a class that is non-privileged;—a class that is trusted and enfranchised, and a class that is distrusted and disfranchised. Then if

there is to be a privileged class, or even a privileged individual by the touch of whose hand or of whose sceptre the mystic virtue is transmitted, who is to raise them or him to this enviable position? If nobody has rights, the whole scheme of government is a bottomless abyss of unbegotten privileges and trusts. If anybody has rights, who is to draw the line between him and those who have no rights, except by observing the powers in which the rights have their origin? and powers, in degrees and measures indeed very various, God has been pleased to confer on all men. Do what you choose, then, your trusts and privileges either resolve themselves into rights which are co-extensive, with citizen existence, or else throw you beyond the principle of self-government altogether.

It is a marvellous proof of the strength of Conservative feeling, and the weakness of Conservative reason, in this country, that, for the present, the public

mind seems actually to be satisfied with this most untenable, and even childish, distinction. It is hailed as a godsend by those to whom the doctrine of absolute equality is intolerable, and by whom the opposite doctrine of relative equality has not yet been apprehended.

Another motive, which appears to have driven the unthinking to resort to it, is the belief that they thereby save the principle that *the* suffrage, as they call it, involves duties, a principle which they apprehend would fall to the ground, if its character as a right were admitted. Rights, they imagine, must be left to be exercised in accordance with individual caprice; whereas privileges may be conferred on conditions, and trusts generally are so. But can any view be more mistaken? Rights, on the contrary, *necessarily* involve duties; whereas, in the case of privileges, the conjunction is an accident which may be absent, or a condition which may rest unfulfilled; and

even a trust may be absolutely unlimited. Nay, further, so dependent is the right on the duty, that the right emerges only when the capacity of performing the relative duty is present. When we view the matter in this light, we perceive how entirely innoxious, to say the least of it, is the position which, when recently assumed by a great statesman and orator, filled the whole land with anxiety and dismay. Even if we concede the abstract right to *a* vote—to some share, more or less, of direct political power on the part of every citizen of the state who cannot be shown to be incapable of its rational exercise—the admission simply sends us back to the question of political powers and capacities, and does not shut us out from the allegation that the former exist in many degrees, or that the latter may be wholly absent. Every man is entitled to manage his own affairs, or even to mismanage them, notwithstanding the injury which may—nay, which must—

more or less, accrue to his neighbour, provided he satisfies the tests of capacity which the municipal law of his country has established. But he is not entitled to manage them till he satisfies these tests. He must be *sui juris*. Precisely in the same manner political capacity must be present before the latent political right emerges ; and it belongs to the public law of his country to say when it is present, and in what degree. The whole battle, even on this assumption, thus turns on the question of capacity ; and I would strongly urge on those who are opposed to what are alleged to be the democratic leanings of individuals who have adopted it, that to fight with them as to whether the suffrage be a right or a privilege, is to waste time, and to venture on ground where they have little chance of holding their own.

Closely allied to the doctrine that the suffrage is a privilege, a doctrine which denies the existence of citizen rights altogether, is the doctrine that there is but

*one* citizen right—the right, namely, to be well governed. “The legislature is a machine for the government of the nation,” cry the advocates of this doctrine; “and we claim the suffrage that will produce the best machine!” From the statement of this general doctrine, which would warrant any form of government from democracy to despotism, its Whig adherents boldly leap to the conclusion, that because, *in their opinion*, the interests of good government would be endangered by a wide extension of political power, therefore, political power must not be widely extended; or rather must remain, as far as may be, within its present limits. But who guarantees the soundness of *their* opinion? Who is to determine what is or is not a good political machine; and whether the machine which the present suffrage provides would be impaired or improved by an extension of that suffrage, wide or narrow; or by the adoption of a suffrage based on another principle

altogether. The mere *ipse dixit* of one political party is worthless ; and the subject is one on which an agreement between all parties is impossible. But suppose this difficulty got over. Suppose the absolutely best political machine, and the most expedient suffrage, to have been pointed out by a process of reasoning admittedly unimpeachable ; who is to sanction the adoption of the one, or to guarantee the attainment of the other ? In place of an extension, such a suffrage *might* involve a very great restriction of the political rights already recognised. It is by no means a very extravagant supposition that the absolutely wisest legislature would be one elected by persons possessing a very high property qualification—say £1000 a year. Now, it is obvious that the only *constitutional* mode of so restricting the suffrage would be by obtaining the assent of the present electoral body, or rather, if my notions of Constitutionalism be correct, of the national

will as a whole. Failing the voluntary adoption of such a "self-denying ordinance," either by the present electors or by the whole nation—neither of them I think a very probable occurrence—the realisation of this, or of any other measure which the doctrine in question might involve, would imply the existence of a governing body apart from the nation—of a sovereign power independent of the national will, and yet the ultimate depository of the national destiny—a condition which is absolutely at variance with the principles of free government altogether. We are here consequently again confronted by every one of the objections involved in the theory that participation in political power is a privilege and not a right, the doctrine in question being neither more nor less than an application of that theory.

But the distinction between rights, and trusts or privileges, is by no means the only shift to which the Whig resorts in order to save the equal suffrage to which he con-

ceives himself to be bound by the tradition of 1832, without falling into Radicalism, from which he is shut out by his distrust of democracy as an ultimate consequence. He has certain allegations of a so-called practical kind, which confessedly will not bear the light of principle, but to which he nevertheless clings with amazing tenacity. One of these is, that the equal suffrage *acts* in an anomalous manner—that it produces, and always will produce, results different from, and, within certain limits, the *reverse* of, those which its principle would yield, if logically carried out. To fall back on the distinction which I have already explained between absolute and relative equality ;—the Whig alleges that though resting on the former, the suffrage is exercised in accordance with the latter ; and that thus the true principle obtains, by stealth as it were, and will always obtain, sufficient recognition in the actual working of our representative system. Wealth, position, and intelli-

gence, he says, though unnoticed by the suffrage, are far from being ignored by the voter ; and the very fact of these being influences which are practically felt and acknowledged, is reason enough why no further recognition should be given to them by direct representation.

To this argument, putting aside its immorality, and supposing the facts on which it rests to be true, there is the obvious answer that it may be carried too far ; for on the very same principle on which direct representation would thus be denied to wealth and intelligence, it might not only be withheld from the numbers who claim it, but withdrawn from those by whom it is already possessed. For on what ground was political power originally recognised as belonging to anybody—to the Barons or to the Burghers of England of old, or to the ten-pounders in 1832—except that they were *already* social powers, in a condition to influence national affairs by *indirect means* ? On what ground is it

now claimed for six-pounders, or can it be ultimately claimed for the people at large, except that they too shall have become powers—or rather, we might say, have become powers already—the reality of whose influence the speeches from every hustings proclaim, and to the indirect recognition of which every election bears witness? If they were not powers *de facto*, their claim to be recognised as powers *de jure* would be very summarily disposed of. Social weight and importance, *gained and acknowledged*, are the only conceivable grounds on which direct political power can be either asked or obtained. The principle on which the suffrage has been extended in all cases past, and will be extended in all future cases, is, that if a direct outlet be not given to the forces which are at work in society, these forces must either be stifled, or must break forth, so as in either case to be hurtful in place of helpful to the common wealth and weal. Now, if it be true that this principle is

already applicable to wealth and intelligence, it is surely unreasonable from that very fact to argue that these influences should still be denied all direct recognition, and left to force their way indirectly, by means so irregular and unconstitutional as bribery, intimidation, or even over-persuasion. I believe it would not be difficult to show that they do not so force their way at all ; that the community is thus deprived of their action ; and that by denying to these influences the direct recognition which justly belongs to them, the richest and one of the most refined nations of Europe is placed, politically, in the position of a very much poorer and ruder society. But supposing it to be possible for wealth and intelligence to secure to themselves, independently of all constitutional aid, political recognition corresponding to their social value, is it wise or just to maintain a system so false in theory that its sound practical working depends on the continuance, or may call

for the development, of practices which we all profess to regard as immoral, and the suppression of which has always been one of the special objects of Whig legislation? If it must needs be that offences come, woe to that system by which the offence cometh; and woe to it especially if it adds hypocrisy to folly, by making a merit of condemning the offence!

But would the offence come? If direct recognition were given to wealth, position, and intelligence, would they still continue to exert the indirect and unconstitutional influences of which we hear so much, and would their direct recognition simply give them additional power for evil? Such is the opinion I have very often heard urged by opponents to the direct recognition of social inequality. It is an opinion which implies a very harsh, and I venture to think a very unjust, censure of those who, unless God's choicest gifts be vain, must be the flower of this community, and to whom for better and worse we must look

for the first-fruits of our civilisation. If the class which necessarily draws to itself all who are most highly endowed by nature—the most cultivated class of all—the class which alone has leisure to consider its acts—the class with a view to enter which, either in his own person or his posterity, we urge the student to toil and the artisan to spare—be the most immoral, the least conscientious and self-denying of all classes, then Rousseau's sad paradox must be true after all—*l'homme civilisé est un être dépravé*. We hear a great deal just now from our popularity-hunting politicians of their confidence in the lower classes. Now I have more confidence in the upper classes than to believe such a charge against them as this. I believe, on the contrary, that if their real weight and intrinsic value as members of the community were recognised politically, as it is socially—recognised, that is to say, openly, cheerfully, and directly—there is scarcely a man of them who would not feel that

he was on his honour to abstain from the exercise of indirect influences ; and that bribery, intimidation, and all the practices against which the ballot is invoked, would be banned, far more effectually than the legislature can ever ban them, by social laws like those by which cheating and lying are rendered, for the same class of persons, morally impossible. It is the feeling on the part of the upper classes, that their just influence in the political system is denied to them directly, that removes the stigma which would otherwise attach to seeking it by indirect and dishonest means. Even as matters stand—and matters would be worse if an equal suffrage were extended—it is not without reason that they regard the inroads which their wealth enables them to commit on the liberties of their poorer fellow-electors in the light of reprisals, rather than of robberies. If we are sincere in the desire which we profess to put down bribery and corruption, we must remove,

not the opportunity (which perhaps is impossible), but the apology for their exercise.

But do we all of us sincerely desire the abolition of practices which may ultimately have the effect of throwing political power into the hands of the optimates, to a far greater extent than can ever be accomplished by any direct recognition of wealth and intelligence? I confess I sometimes doubt it; and my doubt has its source in another ground of consolation and of hope which continually presents itself to the Whig, and to the aristocratic Whig in particular, when he is reminded that his principles lead to the advent of democracy. The ground of reassurance to which I refer is the success which has hitherto attended the efforts of patricians, and of young patricians particularly, to win the favour of the mob. One-third of the new House of Commons, it is said, has been virtually nominated by the Peers, and consists of their kindred. Nor have these noble-commoners been returned by

the more Conservative portion of the electoral body ;—on the contrary, in many instances they owe their seats to constituencies in which the ultra-Liberal element preponderates. There are innumerable points of view in which such facts ought to be causes of the most unfeigned rejoicing. Had the return of such persons to Parliament no other advantage than that of furnishing occupation and interest to the aristocracy, the benefit would be incalculable ; for history and common-sense concur in teaching that, whilst an active aristocracy, interested in public affairs, is one of the greatest blessings, an idle aristocracy, bent on personal indulgence, is one of the greatest curses that can exist in a nation. But this is very far from being all. The occupation is one for which the aristocracy are really better fitted than any other class. In addition to general culture, the special conditions of fitness for the life-political are,—leisure, independence, and knowledge of the world ;

and these qualities, as a rule, belong to no other class in the same measure as to the possessors of hereditary wealth and traditional refinement. Nor is it possible to praise too highly the unwearied devotion with which these qualities are placed by their possessors at the service of the public. The hardest-working members of the House of Commons are to be found amongst those whom fortune has lifted above the necessity of work, and whose personal qualities scarcely open to them the hopes of ambition. But the advantages arising from this fortunate characteristic of our nation, and the claims of the aristocracy to our gratitude, would rest on a firmer basis if the trust which is justly reposed in them were earned not only by their industry and zeal, but by their openness and straightforwardness—if they availed themselves of their independent and dignified position to tell the people the truth with greater boldness and plainness of speech than others can venture to adopt.

So far, however, is this from being always or even generally the case, that it would seem almost as if an opinion had got abroad amongst them that they, of all others, were in the public service only on sufferance; that they could retain popular favour only by an instant and unhesitating acceptance of popular prejudices and errors; and that the peculiar attraction which they possess consisted solely in the greater value which is attached by those at the opposite social pole to the voluntary renunciation of their own opinions by persons who have, at any rate, no pecuniary object in renouncing them. It is thus that the strange anomaly is presented to us, not of the class alone, but of the very individuals who are the most exclusive, in a social point of view, coming forward as the advocates of political equality. I am far from saying that this fault is universal. There are many of the aristocracy who do their duty nobly in this as in all other respects; who claim nothing socially

that is not cheerfully conceded to them ; and who promise nothing politically beyond what their reason approves. But there are others, as I have said, who seem willing to play the cheaper game of making matters pleasant by fair words in the meantime, and who either do not look forward at all, or whose ultimate scheme is—not a democracy most assuredly—but perhaps a sort of oligarchy of the “ ruling families,” resting on the goodwill of the most numerous, the most impulsive, the most necessitous, and, as a necessary consequence, the most venal portion of the community. Such a scheme, realised in such circumstances and by such means, would be far from new to history ; on the contrary, wherever an oligarchy of wealth, a despotism of the few, has existed, it has rested, like all other despotisms, on a proclamation of equality amongst the ultimate depositaries of political power. I should be unjust to the hearts and consciences, and very probably too complimentary to

the heads of our young aristocrats, if I charged them, as a body, with labouring consciously towards the attainment of any such condition of affairs. But inasmuch as it is plain that were the democratic principles which many of them advocate to prevail, such a game as the *optimates* attempted to play during the latter part of the Republic at Rome, would offer the only possible future for their order, we may be pardoned for surmising that the more far-sighted of them, familiar as they are with the experience of the classical nations, regard with less disfavour the means which would render such a game possible, than is felt for them by the educated middle class, and the great body of the present electors. A combination between the nobility and the Crown is a phenomenon so much more familiar to modern European politics than a similar combination between the nobility and the rabble, that we scarcely, for the most part, think of the latter as a possibility at all.

And yet, of the two, it is the only possibility that remains for a country that has reached the stage in the progress towards democracy to which we have attained. It is a possibility which I trust we shall never realise ; but which is brought nearer to us day by day, so long as we cling to irregular and unacknowledged influences which must find their expression, if at all, in those irregular means of persuasion which are within the reach only of the very rich, in place of recognising the whole influences of the whole community, by direct means. The possibility of such a combination ought surely to appeal to the mind of every true " Liberal," as a very powerful motive for preferring what I have called Constitutionalism to Whiggery, or any other doctrine which recognises equality as the principle on which the political circle is to be widened. In the country, of *all* others, where wealth is most unequally distributed ; in this land of the *very* rich and the *very* poor ; where

the peasant proprietor, who alone of the labouring classes ever is, or can be, really independent, is unknown; just reflect for a moment what a tremendous political engine the wealth of the nobility and of a few mercantile millionaires would become, if direct political power were virtually withdrawn from the middle classes, and placed preponderatingly in the hands of a class whose necessities and temptations rendered them open to bribery! Think what a hundred-thousand a year would effect, if devoted to such a purpose! *Panem et circenses* are words for which, it is to be feared, that equivalents might then be heard from English lips. And yet, even the sum I have mentioned would not be beyond the reach of individuals in several instances; and by the combination of a very few, could in most countries be brought to bear on any object which the wealthiest class had very sincerely at heart. In the circumstances I have imagined its employment, as the only means

of preserving the ascendancy of the aristocracy, if reprehensible, would not be very highly criminal. But it is possible to go farther, and to fancy a position of affairs in which the devotion of wealth to such a purpose might become an act of virtue, inasmuch as it might offer the only salvation, not for the aristocracy alone, but for the cultivated classes altogether, and indeed for civilisation itself. If the choice were between anarchy—such as France witnessed in the days of our fathers, and America may be approaching even now—and the sway of a plutocracy, as a stepping-stone to despotism, no civilised man, I fancy, would hesitate for a moment in preferring the latter. But in place of clouding our happy present by the shadows of such future possibilities as these, let us avert them whilst we may. The social soil of England as yet grows healthy grain. Let us appear at the polling-booth as we do in the street, in the market-place, on the race-course, at the dinner-table ; let us

represent ourselves *as we are*, and are willing to remain—not absolutely, but relatively equal—and we shall pluck up the few tares that have unwittingly fallen into our political field.

But the last great stronghold of the opponents of Constitutionalism, and the advocates for the recognition of absolute equality by the farther extension of an equal suffrage, consists in what we may call the *argumentum ex necessitate*. However real may be the political value and significance of other influences, powers, and capacities, besides mere numbers—however manifest may be the justice or expediency of the claim that is urged for their direct recognition—the thing, they say, cannot be done; it is simply impossible; and impossible for the plain reason that “the people” (meaning thereby the non-electors, with perhaps the lower ranks of the present electoral body) never would submit to it. Granting it to be right, and not unlikely to be acceptable

to the rest of the community, they declare it to be impossible, on the ground that it would be distasteful to the non-electors.

Now, just let us see what this argument amounts to.

1. In the first place, it assumes that the voice of the lowest class is *already* supreme—not that democracy is inevitable, but that, in everything but in form, it is come. If this be so, there is no use talking either about rights or privileges. Whiggery with all its shifts, and compromises, and balancings of evils, is ended ; and the sooner we swear allegiance to Radicalism the better. Why puzzle ourselves to discover the best course of action, if one course only is open to us ? To read history, and prate about political science, for all practical purposes, is mere childishness and waste of time. The fate of *this* country, at any rate, is sealed ; and we must accept our doom.


2. It takes for granted that the non-electors are not only the possessors of ab-

solute power, but that they are resolved to exercise this power, so as to compel the electors, or the representatives these electors have chosen and entrusted with the interests of the whole community, to do what they know or believe to be wrong. Now, such an assumption must rest on the belief, either that the non-electors of England are such fools as to be incapable of having a scheme of enfranchisement which is founded on reason and justice explained to them; or such scoundrels as to set it at nought after they have become acquainted with it.

In justice to our humbler fellow-citizens I feel bound to acknowledge that my intercourse with them has led me to very different conclusions; and I believe that if ever public men are driven to a farther recognition of absolute equality by "pressure from without" (and the occurrence is quite possible), they will have their own want of courage and straightforwardness to blame, far more than either the obtuseness or the selfishness of the non-electors.

"Silence," said a great man of old, "has been the grave of many a friendship;" and I hesitate not to say that it is the main cause of such misunderstandings as at present exist between the different classes in this country. If those who, in substance, share the opinions I have stated, had the manhood to advocate them openly, heedless of the misrepresentations they might at first encounter from the organs of the existing political parties, I believe that after a very moderate amount of perseverance they would meet with few opponents from the ranks of the non-electors. Whenever I have propounded the doctrine of relative equality to a man of the people (and my experience is confirmed by others whose means of judging have been far greater than mine) I have found that he was not only in a condition to apprehend its justice, but was eager to see it carried into operation. When I have said to him that, in my view of the matter, we were all

equally citizens—free and independent citizens of dear old England—and all equally entitled—nay, bound—to contribute, according to the measure of our lights and in proportion to our social importance, to the formation and enactment of the laws by which we are governed alike ; but that we were not equal citizens any more than we were equal men, that we were not born equal either in capacities or in fortunes, and should never grow equal any more than we should grow to the same height ; when I have urged as a consequence of this inequality in point of fact, that if the same amount of political power and responsibility were assigned to every one, an act of injustice and imprudence would be done, precisely of the same nature as if the same amount of income-tax were demanded of a man who had a hundred and of a man who had a thousand a year ;—when I have spoken thus to an honest non-elect, far from encountering dissent or provoking



opposition, I have generally found that the soundness of my view was enforced by a flood of illustration from his side. Farther, when I have explained to him that, on this principle, a suffrage widely extended, but proportioned to the real social weight and political capacities of the respective classes of the community, far from being unattainable by the present generation, would probably be granted without hesitation, even by Conservative statesmen, I have generally been met by the observation that that was all that anybody ever wanted. "*We want our rights,*" he would say, "*and our rights, by God's help, we shall have; but we don't want more than our rights,* and we don't pretend to be equal to our betters." "Or equal," I would add, "to yourselves when you have bettered your condition; when you have laboured and learned more. You don't wish it to be thought that you are equal at twenty-one to what you hope to be at fifty; and

why should you tie yourselves down, however wealthy or intelligent you may become, to the amount of political power—the one vote—which you claim at the outset of your career?”

With some such explanations as these we would part, convinced that our ways lay far less widely apart than either of us had imagined when we met.

It appears to me that the leading characteristic which distinguishes the reply I have here indicated from all the other replies I have heard attempted, is this, that it is a reply with which the non-electors *ought* to be satisfied. If you tell them that the suffrage shall not be extended, they ask you why? and you are led into a labyrinth of ulterior answers, which you know yourself to be inconsistent with the principles of free government altogether, and with which nothing but stupidity could induce them to rest contented. If you tell them that it shall not be extended now; or shall stop at ten pounds or six

pounds, they again ask you why? and you search in vain for a principle of limitation, either in time or in extent. Nor will your success be greater if you take refuge in the celebrated distinction between rights and privileges, the antiquity of which Mr. Tremeneere has written a book to prove. But if you tell them that the suffrage shall be extended to them all, without distinction and without delay, in proportion to the claims to it which they can establish in point of fact, they have a response which, in reality, is *sans réplique*, and which they cannot but feel places their destiny in their own hands. It is the only true answer, and consequently the only answer that will stand the tear and wear of discussion, and burn brighter amidst the mists of prejudice and the storms of passion. Lastly, it is the only answer, except the Radical one, that does not separate the lower orders from the rest of the community; for a recognition of inequality would of course act upwards

as well as downwards. Even as compared with the Radical answer it is less invidious; for the assertion of equality is a standing offence to every class except the lowest. The objection that it takes away with one hand what it gives with the other, is easily disposed of, at least as regards the non-electors. To them, and to the upper middle class, the gain of direct political power would manifestly be real. The only losers by it would be the lower middle class, who enjoy for the time being a practical monopoly of the franchise, and it is amongst them, if anywhere, that its ultimate opponents are likely to be found. But of this hereafter.

## CHAPTER V.

### THE CONSERVATIVE'S ANSWER.

MR. MILL has said that the Conservatives, "by the law of their existence, are the stupidest party." It sounds like a hard saying; but that it was not intended in any very offensive sense may be inferred from the fact, that the man who said it is himself half a Conservative; and the same inference, I trust, will apply to my repeating it when I mention that I was born in the Conservative camp; and that those with whom I commenced the journey of life have still no small share of my personal sympathies.

The Conservative, or rather the Tory (for the former epithet is merely a tasteless attempt to make sense out of nonsense), to my thinking still, is a more generous

species of the ζῶον πολιτικόν than the Whig, and stands to him somewhat in the relation in which a stout old English mastiff stands to a tricky little Scotch terrier, or to a wily and plausible old tom-cat. If the mastiff gets pitched out of window, he does not fall on his feet, nor yet on the sunny side of the wall ; but right on the crown of his foolish head in the area, and gets stunned and stupified. And so it is with the Tory. When matters go wrong with him, he cannot take an oar in the Whig boat, or pick a bone in the Radical kennel, till the mischief blows over ; but must go to the “opposition benches,” and grumble there till his old friend John Bull, who has always a tenderness for him, takes him into favour once more. Whilst he is upstairs, however, he keeps house with great dignity ; for though he is too good-natured and kindly to bite, unless the provocation be extreme, he contrives to growl out his platitudes with such overwhelming assurance, that they are

listened to with respect in quarters in which men do not hesitate to shut their ears against the caterwaulings of his rival.

The creed of the Conservative is in keeping with his person and his position. His conception of what may be attained, or even of what ought to be attempted, in the way of spontaneous popular activity, is not lofty ; for his ideals are in the past, and it may be that experience, hitherto, has justified his belief that what is to be done in the way of guidance must be done for the people, not by them. It is not that he has any fault to find with the common people—non-electors, and that sort of folk—on *his own* account. On the contrary, he asserts (and I believe he is not much mistaken) that he could arrange matters with them perfectly well, if stump-orators and newspaper-editors would give him a fair chance. But he distrusts the people on *their own* account—out of love to them he distrusts them ;

for he believes that they can do little for themselves, and that those who take them out of his hands, on pretence of leaving them to their own guidance, merely make tools of them for selfish purposes, and are their enemies far more than his. Self-government, when applied to a nation, he regards as a mere rhetorical flourish—a form of speech partly figurative and partly hyperbolical, which must be explained away to nothing before it admits of practical application. The people must be governed; and will be governed really, whether ostensibly or not, by a class which he *separates* from the people, not by a temporary or official, but by a permanent political line. Herein lies his error, and the ground of his first and leading objection to Constitutionalism, the object of which is to govern the whole nation by the whole nation, not numerically indeed, but dynamically considered; that is to say, by applying the whole forces which make up the national life to the whole

work which the nation has to perform. Nor is Conservatism wholly in the wrong, even when it asserts the necessity of a separation between those who, for the time being, shall rule, and those who shall obey. On the contrary, it embodies, in this as in its other doctrines, as I have said already, *half the truth*, of which the other half is embodied in Radicalism; and which Constitutionalism, I trust, will in the end exhibit in its integrity. The watchword of the Conservative, the incantation with which he conjures, is *order*. The first boon, the last blessing which political science has to bestow, in his view of the matter, is *order*. Take its equivalents, he will tell you, the epithets by which all languages characterise the principles on which it rests—law, *nomos*, *kosmos*, and the like—do they not express the distinctive principles of God's kingdom as contrasted with Satan's kingdom? Do we not think of heaven as exhibiting the complete realisation, and of hell as exhibiting the


absolute negation of order? Order, then, he invokes; and in invoking it he does well, for it is a condition, *sine qua non*, of future progress as of present wellbeing; and order implies the distribution of duties and responsibilities, and this again implies the separation of classes. But the Conservative invokes order *alone*; and order, being alone, like faith without works, is dead. The "perfect law," the order which alone liveth and worketh savingly in the State as in the individual, is "the law of liberty"—the law that embraces the element of truth in his rival's creed as well as in his own.

The first ground on which Conservatism repudiates Constitutionalism, then, is clear. It repudiates it, not because it recognises *inequality in degree*, for that is the basis of *order*; but because it recognises *equality in kind*, which is the basis of liberty. From his exclusive point of view the Conservative denounces Constitutionalism as Radicalism in disguise;

just as the Radical, from his exclusive point of view, denounces it as Conservatism in disguise.

It is both curious and instructive, with reference to our present subject, to observe, that as the error which invalidates Radicalism is the error in point of fact with which "the Revolution" is chargeable—the proclamation, viz., of an absolute equality which does not exist; the error which invalidates Conservatism is its recurrence to the error in point of fact, out of which "the Revolution" arose—the denial, viz., of an equality which does exist. The Revolution had declared equality before the law; abolished privileges; proclaimed *les carrières ouvertes*; and opened up society, from one end to the other, to industry, ability, and virtue. So far its reading of the facts was accurate, and it had simply enforced the principle that law must conform itself to fact. But it had gone farther; it had misrepresented fact, and reared a portion of its superstruc-

ture on the false assumption that, in ability, industry, and virtue, men are really equal. The Conservative saw the error ; but the only remedy which occurred to him was what Continentals call "reaction." He denied the revolutionary asseveration in its totality, without distinguishing the truth from the falsehood which it contained ; and endeavoured practically to revert to the *status quo ante bellum*. That, by pretty nearly general admission, is the account of the dreary catalogue of blunders which were committed at Vienna after our glorious war ; and which Continental legitimists persevere in repeating to the present hour. In this country, God and our ancestors be praised, we had no privileged classes, no closed careers, to restore. All social distinctions, with the single exception of the very highest, had always been open to all. Our Conservatism consequently could go no great way beyond repudiating revolutionary errors. But so far as it could go, it




went. It could not proclaim exclusiveness, but it proclaimed finality; and it continues to proclaim it at every halting-place in its flight—at fifty pounds, ten pounds, six pounds—without principle to fall back upon, or reason to allege.

But the realisation even of the moderate aspirations which English Conservatism was permitted to cherish, being nowadays despaired of by its warmest partisans; one fails to perceive why, as a choice of evils, it should shrink from a doctrine which has this advantage even over Whiggery, that it expressly and avowedly recognises inequality in its relative sense.

For an explanation of this deficiency of insight we must advert to what is, I believe, the second objection which Conservatism urges against Constitutionalism—viz. that it is a *new doctrine*. It is an axiom of Conservatism that *what is old is orderly*; and as the champion of order, the Conservative conceives it to be his function to oppose innovation in

every form and under every pretence, even when it makes room for itself with a gift. Now, in this maxim, as in Conservatism in other respects, there is an element of truth. What is old, within certain limits, *is* orderly ; because even where it is wrong, custom provides for its errors, and right asserts its own by circuitous ways. Of the indirect means by which the Whig proposes to counteract the principle of absolute equality in our political system I have already spoken ; and I shall not revert to the subject, farther than to remark, that, as an honest man, the Conservative is shut out from their use by considerations quite as imperative as those which forbid them to his rival. If there be any circumstances in which recourse to them is justifiable, they are circumstances which all parties alike must deprecate. But the question which I think it important that we should consider in this connection is the allegation, in point of fact, that in affording direct political recogni-




tion to the principle of relative equality—the distinctive principle of Constitutionalism—we should be introducing a novelty, unknown to the history of England, or to the history of mankind.

In a treatise intended for popular use, it would be out of place that I should enter into the wider historical learning, either as regards opinions or institutions, which may be brought to bear on this subject. To some extent I have already done so in a work which I hope to reproduce at a future time, in a more perfect form. For the present it will suffice to remark, that the doctrine of relative, or proportional equality, was that in which both Plato and Aristotle believed; and which probably was transmitted to them by their still greater master.

Nor in adopting it did they do more than give in their adherence, on theoretical grounds, to a principle which long before their day had received practical recognition in the legislation of Solon at Athens; and

of Servius Tullius at Rome ; which was still in full operation when they lived ; and which retained the ascendant during the whole of the progressive period of the political life of both the classical nations of antiquity.

But I am aware that not much importance will be attached to such considerations as these ; for it is a peculiarity of Englishmen, that though they get up their classics with care, and are never weary of talking, in a general way, of the value and importance of classical opinion and experience, they no sooner find that the one or the other contradicts their ordinary newspaper-notions, than they throw it overboard without the slightest hesitation. Circumstances, they say, have so changed as to render it inapplicable—as if any change of circumstances could alter such a fact of nature as that God sends his creatures into the world unequally endowed ; or abrogate a law so inflexible as that their political rights and responsibilities, their weight



and their value, depend on the manner in which he has endowed them ! But whether reasonably or unreasonably, I know that, in point of fact, the English Conservative, when he objects to the direct recognition of inequality, on the ground that it is a novelty, will consider that he has made out his point if he can show that it is a novelty in England ; or rather, unless the contrary can be shown by his opponent.

It can scarcely be demanded of the Constitutionalist that he should prove that the principle for which he contends has been systematically adopted, when his object is to bring about its systematic adoption. *Ex hypothesi* the reverse must be the case ; and the utmost that he can attempt is to show that it is not alien to the spirit of our political system, and that, inadvertently and undesignedly, it has been permitted to crop out in our practice. Now, the first requirement, I think, will be satisfied by referring to the fact that our suffrage has always been a limited

suffrage, based upon property. For as we live in a land in which citizenship is universal, on what other principle could participation in full citizen rights and responsibilities be so limited, and so founded, except on the principle that all citizens are not equal citizens? However irregularly, unsystematically, and even unfairly the principle may have been adopted, its recognition is placed beyond all dispute by the limitations of our existing franchise. Though all who have the suffrage may be equal on the one hand, and all who have it not on the other; the line which divides them is traced by the principle of inequality. It is by it alone that the ten-pounder and the nine-pounder are separated; unless their separation be destitute of the very pretence both of reason and justice.

But traces of its application within the circle of the enfranchised, are not wanting. I shall mention four.

1. *The Monarchy*.—The only impassable barrier which our constitution recog-

nises is that which surrounds the Throne. Socially it includes the whole royal family, but politically it hedges round the person of the Sovereign alone; for the other members of his family, in a political sense, enjoy only the privileges of nobility, which are practically open to merit, and the vote of a prince of the blood may be neutralised by that of a peer of yesterday. But the political position of the Sovereign is not only constitutionally transcendent, but constitutionally unattainable except by birth; and the monarchy is thus an instance, exceptional amongst us, of the recognition of the principle of inequality, not in its relative but in its absolute sense—in the sense in which it forms the direct antithesis to the principle of absolute equality, for which the advocates of an equal suffrage contend as the sole constitutional principle.

2. *The Peerage.*—The privileges of a peer, politically considered, consist in the right of direct personal representation

in the great council of the nation. The commoner is represented, or represents others, amongst whom he himself dwindles into an insignificant unit. The peer represents himself, his own person, his own interests, and his own responsibilities. It is true that the aggregate power of the House of Lords, in our day, is insignificant as compared with that of the House of Commons. It is in the latter, not in the former, even when supported by the monarchy, that the ultimate sovereignty of the nation resides. Talk as we may of the checks and counter-checks of the British constitution, the power of the Commons is supreme. But the opinions and feelings of the Lords, known or anticipated, are very influential in determining the decisions of the lower branch of the legislature; and if we take into account that the former is a very much less numerous body than the latter, we shall perhaps not be far from the truth if we hold each single vote in the House of Lords

as equivalent to each single vote in the House of Commons. If the two Houses were thrown into one, as in the old Parliament of Scotland, and peers and commoners voted equally, the results, as regards the influence of the peers on the national policy, would probably not be very greatly changed. Each peer thus possesses an amount of direct political power equal to that of a whole constituency of commoners. Here, then, surely is a decided example of the constitutional recognition of the principle of inequality, in favour of the wealthiest and most influential portion of society; and one which places the opponents to that principle, who are at the same time admirers of the House of Lords, in a somewhat formidable dilemma. If on the one hand the indirect avenues to political recognition which are open to wealth and culture, are sufficient for the wealthiest and most cultivated classes of commoners, up to the point at which the peerage may be said to open

to them ; why not beyond this point also, and up to the steps of the throne ? If, on the other hand, the suffrages of a whole constituency are necessary to represent the influences, and may be safely entrusted to the capacities that centre in a peer ; how can the suffrage of one ten-pounder suffice for a commoner who is neck-and-neck with the peer, and on whom the peerage is probably just about to be conferred ?

But it will be said that the privileges of the peerage, like those of the Crown, rest upon a different principle from those on which the Constitutionalist claims an unequal representation for commoners ;—that the peerage is a privilege in the absolute gift of the Sovereign, and not a *carrière ouverte aux talents*. Now, if this were true, these privileges would simply become a recognition of the principle of absolute in place of relative inequality ; and this, whether we viewed them as proceeding from an exercise of mere royal caprice, or as conferred in virtue of characteristics

in which their recipients differed in kind from the rest of the community. For the purposes of the present argument they would simply become examples in point *a fortiori*. But the allegation notoriously is untrue, and is merely one of those technical shifts to which the defenders of political anomalies are driven when their proper armoury is exhausted. The church, the law, and the army are surely open careers; and at the winning-post of each of them the peerage stands as the constitutional prize of victory. Nor will it be denied, I think, that in our day it is attainable by wealth, coupled with a very moderate share of personal merit. Had Railway-Hudson escaped the collision which tumbled him back into obscurity, there seemed too much reason to fear that he might have glided tranquilly into the House of Lords, notwithstanding the personal distaste with which we may do our Sovereign-Lady the credit to assume she would have continued to regard him.

The peerage, therefore, is an example of the direct political recognition of inequality, which is relative and not absolute—which exists, and is acknowledged to exist, not in kind, but in degree.

3. *Plurality of Votes on the Basis of Property.*—When we descend from the breezy plateau on which the Peerage dwells apart, all of a sudden we arrive at what seems to be the dead level of the equality of the enfranchised. It is a flat, dreary, and characterless region—a sort of political Holland. But in Holland the horizon is sometimes broken by a windmill; and a man who stands on the top of a barrel will see over other people's heads, even in the Polders. And so it is with the British elector. The means by which he may constitutionally perform this feat with the greatest facility is by purchasing a very small amount of property in various localities, so situated as to enable him to reach them all in a single forenoon. The multiplication of railways

has rendered it possible for persons even of moderate means to increase in this way very considerably their direct political power. In some cases, probably, it would not be difficult for them thus to acquire the full share that would fall to them, if the principle of relative equality were openly adopted as the basis of the suffrage. But practically the thing is done on so limited a scale as to render it of no avail as a means of counterbalancing the influence of mere numbers ; and this I think chiefly from two causes.

Of these the first is, that a plurality of votes, thus obtained, is regarded by the community with very considerable disfavour, in consequence of its being acquired in general, not with the view of increasing the direct power of the electors, but of augmenting the indirect power of local magnates, and enabling them to counteract the direct power with which the constitution has entrusted the constituencies of which they are members. When so em-

ployed, this arrangement is an example of the manner in which social influences to which a legitimate outlet has been denied, break forth irregularly, and overwhelm the weaker influences to which a legal preference has been given. The only remedy is to permit the greater streams to flow freely within embankments erected for them by the constitution.

The second reason is, that the suffrage is a possession more coveted than prized. Of those who have it, it is notorious that a very large proportion never take the trouble to exercise it at all, even when they could do so without the slightest inconvenience ; and, such being the case, it is not wonderful that they are not eager to multiply it in forms in which its exercise would expose them to inconvenience and expense. The fact is, that the equality of the suffrage has already brought it into contempt with many even of the non-electors, and this I believe is in no small measure the cause of the apathy which they

have recently exhibited regarding it. If it is ever to regain its value, it must be by being given in such measure as that all shall feel that its exercise is a very solemn duty which they are called to perform, under the full responsibilities which their respective positions impose on them. As matters stand, I am persuaded that men of substance and influence very rarely give their votes, even when they do give them, with any approach to the feelings of responsibility with which they give their charities; and for this simple reason, that they proportion their charities to their real means and weight, whereas their votes are proportioned to means and powers scarcely appreciable by any standard by which they are accustomed to measure, and are apt to be disposed of in accordance with the rule *de minimis Prætor non curat*. But though for these reasons the power of multiplying votes is little exercised, its existence is by no means unimportant as an instance of the actual recognition of

the principle of inequality within the limits of the franchise.

4. *The Suffrage on the Basis of Education.*—Education, which some of our best political thinkers now propose as the sole measure of political capacity, and, as such, the sole basis of the franchise, already enjoys a limited recognition. The suffrages belonging to the members of the English universities, over and above those which they may chance to possess on the basis of property in their respective localities, are manifest instances of the recognition of the principle of relative equality by our existing electoral system. In this respect they stand in marked and favourable contrast to Mr. Disraeli's unhappy "fancy franchises," which, by conferring only one vote on persons who in almost every instance could readily have obtained it on the ordinary footing, really meant and effected nothing. That the educational franchise shall be extended so as to include graduates of all the other universi-

ties of this country, in any future Reform Bill, seems to be a matter of general agreement. Of education as the sole test of political capacity I shall speak hereafter.

These four examples of the actual recognition, in our own country and in our own day, of the principle which Constitutionalism seeks more fully to embody, may suffice, I think, to deliver the Conservative from his fears lest he should break with the present and the past, in adopting the only means of saving his life which the future offers him.

## CHAPTER VI.

### CONSTITUTIONALISM REALISED.

IT is futile to conceal from ourselves that a very solemn crisis in the political life of this country has yet to be passed. Finality, even if it were not unjust, has become impossible. Sooner or later that portion of the community which for the present may be regarded as in political pupilage must be admitted to the privileges and charged with the responsibilities of self-government.

There is reason to believe that public opinion has not yet attained that degree of clearness with reference to the political relations of the various classes into which society, in a free and progressive state, naturally and properly divides itself, which would enable the legislature, as its

exponent, to make adequate provision for this great event; and it is therefore the prayer of all wise men, and of almost all our leading politicians, that it may be averted for a time. But its approach depends on causes, many of which are scarcely under the control of human will, and certainly are not under the control of such will as in other times and places has been guided by reason. It may consequently be near; and as it certainly is inevitable, we shall not be wasting our time and energies in preparing for it at once, even if it should prove to be more distant than any prudent man would venture to assume.

Though fully and painfully alive to the dangers which must attend this final constitutional measure, even if adopted with all the deliberation which wisdom demands, and furnished with all the safeguards which science and experience may suggest, I am very far from being of the number of those who view it as necessarily an evil.

In my eyes it is simply the ultimate phase of our constitutional development ; a step which plainly lay in *our* path from the days of Simon de Montfort downwards ; and which, whether it be yet visible or not, lies before every other people which shall ever reach political maturity. In many respects, indeed, it *is* maturity ; for no state is *major*, whatever may be the form which its executive government assumes, whatever electoral organisation it may adopt, till some measure of direct political power is entrusted to all its citizens who are not incapacitated for its exercise by peculiarities of individual character or position.

It has been said that " civilisation is yet very young ; the world is very far from having measured the extent of the career which is before it."\* There is no more remarkable proof of the accuracy of the assertion than that such a political coming-of-age as I here contemplate has,

\* Hare, Pref. xxiv.

perhaps, never yet been attained by any people. It is true that examples of an assertion of maturity on the part of all the citizens of a state are numerous enough. But though schools have broken loose, it does not follow that schoolboys are men ; nor does the fact of their having to return to school, prove that they will never be in a condition to quit it. I believe that all the instances in which self-government has become co-extensive with citizenship in times past, resolve themselves into examples of youthful insubordination. There was no *real* maturity ; and the assertion of what was not, here, as everywhere, ended in confusion. But I have faith enough in my countrymen to believe that the time will come when those of them to whom no individual incapacity attaches, will be able to govern themselves ; and the moment that that period arrives I think they will be entitled to do so ; the moment they are *sui juris, in fact*, we shall do them a wrong if we fail to recognise

them as *sui juris*, in law. Separate existence is incomplete which does not involve independence, and independent existence involves a right to liberty coextensive with the power of *really* exercising it;—exercising it, that is to say, in such a manner as that its exercise shall not be self-destructive. Moreover, it is for the interest of every member of the community that the power of every other member of it should have free scope. Of liberty it may be said emphatically, as of charity, that it is “twice blessed”—blessed alike to those who exercise it, and to the community that permits its exercise. Social life can afford to lose none of its forces. The moment that any individual, or class of individuals, becomes capable of self-government, either separately or as contributing to the self-government of the country as a whole, it is a loss to the community if his or their self-governing powers be not called into exercise.

I know no more interesting subject of

speculation than the infinite possibilities of social life, when its forces, purified by moral culture and invigorated by intellectual training, shall cease to counteract each other; and when the chief exercise of power shall no longer consist in restraining power. The perfect realisation either of liberty or of order is attainable only by their entire reconciliation; and it is this reconciliation which can alone prevent that double waste of power, in imposing restraint on the one hand and resisting it on the other, which hitherto has so grievously retarded the progress of civilisation. It is a condition of affairs of which we have no perfect example, actual or historical, and to which it is to be feared that fallible humanity is capable of attaining only proximately. But we shall at all times approximate it more nearly in proportion to the extent to which political recognition corresponds to actual power; for in public law, as in every other department of jurisprudence,

all real progress consists in the closer conformity of law to fact. It is in recognising the necessity of this conformity, and adopting it as its professed object, that Constitutionalism claims to supersede those partial, one-sided doctrines, which have hitherto prevailed, of which the object has been the advancement of one or other of what we may characterise as the complimentary-factors of progress.

It will be observed that the function which, here and throughout, I have assigned to the suffrage, whether exercised directly, as in the case of peers, or representatively, as in the case of commoners, is simply to give expression to the powers of the community *as they exist*, not to bring them nearer to any standard of rectitude, either *imaginary* or *real*.

In accordance with this theory, the powers which the suffrage is called in to express may quite possibly be powers of evil. The occurrence will be a distressing one no doubt, for it is distressing that

there should be such powers. But as regards the propriety of permitting them to find expression, or, in other words, of so extending the suffrage as to embrace them, I believe the true view to be, that, as powers expressed, they will be less noxious than as powers suppressed; that the office of a safety-valve is one of the most important that the suffrage has to perform; and that no suffrage will fulfil its function, in this as in other respects, which is not coextensive with the community, and does not, so to speak, exhaust it, dynamically considered, both as regards the good and the evil which it contains. If I am correct in this view, it follows, of course, that the function of the suffrage is at once a more definite and a more limited one, than has been often ascribed to it. Its office is neither legislative, judicial, magisterial, nor educational. It does not belong to it to level down inequalities; to redress wrongs; to amend evils; or to correct errors. It is not to

make men either better or worse, wiser or foolisher, than it finds them ; but simply to set them free to act up to the full measure of their powers, moral, physical, and intellectual, as these powers exist for the time being.

The task of improving society, of ennobling men's thoughts and directing their endeavours, belongs, I think, pre-eminently to education, popular, scientific, and religious, acting not only by means of direct teaching, secular and lay, but by literature, art, and philosophical speculation, as disseminated through the press. Next to this it belongs to the criminal law, prison discipline, reformatory asylums, and to many departments of municipal law, such as the laws of marriage, inheritance, bankruptcy, and the like, but not proximately, or even prominently, to our election law. If attained through its means at all, it will be attained only indirectly and incidentally, and must be aimed at only as a secondary object. As this is, I believe,

the main point in which my theory of the suffrage differs from that of Mr Mill, I feel it to be incumbent on me to make the grounds on which I venture to maintain it, against so high an authority, specially plain.

In Mr Mill's view, self-government, and the suffrage as its organ, are mainly educational institutions. "Among the foremost benefits of free government is that education of the intelligence and of the sentiments which is carried down to the very lowest ranks of the people, when they are called to take a part in acts which directly affect the great interests of the community."\* Now, that direct participation in political power does act in this manner, I not only admit, but hail as a most fortunate fact. I am very willing to concede, moreover, that when other grounds of claim to it are established, its value in this respect becomes a relevant argument in favour of its being no longer

\* *Representative Government*, p. 156.

in itself a reason for extending the suffrage, than I can regard the fact that the life of a soldier developes manly virtues, as a reason for declaring war on our neighbours. If the education of the people be what we aim at, we shall surely find safer, cheaper, and more effectual modes of accomplishing it than either by plunging them into war, or entrusting them with cares and responsibilities to which they are not equal. Of all the schemes of popular education, this, as it appears to me, is the most objectionable. To recognise a man as more than he is, in the hope that thus he may become more than he is, is to tell a lie in order to effect a good not likely to be realised with reference to him; and to commit an act of injustice against those with whom you falsely place him on a level, and with whose interests you rashly entrust him. The moment that we recognise the suffrage as an educational institution, we are but one step short of the scheme which regards it as a means for

reconstructing society ; and there is henceforth no limit to the revolutionary tendencies which it may develop. The present and actual, not the prospective and possible intelligence of the various classes of society, is all that it can deal with either safely or justly ; watching, of course, for every advance, and for every change in their relative position that may be brought about, whether by the fact of its exercise, by the hope of attaining it, or by other causes.

To this view of the strictly representative character of the suffrage Mr. Mill has stated the further objection, that it is inconsistent with the claim for a graduated suffrage, to which I attach, if possible, greater importance than he does himself. If the social influence of the individual or of the class be real, he contends, if their position be already recognised, if their weight and power be felt and acknowledged by their fellow-citizens, they will obtain adequate expression by means of

a suffrage which is equal and universal, and can only so obtain it.

“Indeed, under no suffrage but that which is equal and universal can his (the citizen’s) political influence be exactly co-extensive with his moral influence, measured by the number of persons who look up to his judgment and are willing to accept him as their leader.” And again: “Under equal and universal suffrage all social influences will tell politically at their full value.”\* To this objection my answers are manifold, because I can regard it only as a plea in favour of democracy, and I fear it is an instance of the sway which the Radical instincts of Mr. Mill’s youth still exercise over the profounder and more catholic convictions of his maturer political reason. Were I to enter into the field of controversy which it opens, I should have to rewrite much that I have written here and elsewhere, and to

\* “Recent Writers on Reform;” *Fraser*, April 1859, pp. 498, 499.

repeat still more that has been written by others. To obviate the necessity of a proceeding so greatly to be deprecated, I shall regard the objection in its narrower aspect, and deal with it exclusively in the light in which it bears on the theory of Constitutionalism which I have here enunciated.

*First*, then, I deny that Mr. Mill, or any one else, can point out an instance, actual or historical, in which such a translation of social into political influence,—such a mirroring of society in the legislature, as I contemplate—*has* been effected by means of universal and equal suffrage. Any approach to it even, I think, will be found either in new colonies, or in some of the smallest and poorest cantons of Switzerland, where there is scarcely any cultivated or propertied class at all, and where a declaration of equality is really not very far from the fact.

*Second*. But Mr. Mill is shut out from the allegation, that such a suffrage would re-

present the whole social influences of this or any other country, except under very abnormal circumstances, by the fact that, in common with Aristotle, he holds a democratic government to be, *of necessity*, the government of a class. He arrives deliberately at the conclusion, that no improvement in the mere machinery of representation—such, for example, as Mr. Hare's scheme of voting—could obviate this objection to the recognition of the supremacy of mere numbers. "Even in this democracy" ("a democracy representative of all and not solely of the majority"), "absolute power, if they chose to exercise it, would rest with the numerical majority; and *these would be composed exclusively of a single class, alike in biasses, prepossessions, and general modes of thinking, and a class, to say no more, not the most highly cultivated.*"\* I do not think that the permanent and absolute objections to democracy are fully brought out, either

\* Mill's *Representative Government*, p. 155.

by stating that it is the government of a class, or that that class, as matters stand, is an uncultivated one. In order that the inevitable character of the evil may be fully before us, we must add, that the most numerous class not only is, but *must of necessity continue to be*, the lowest class. However much we may succeed in raising it absolutely, however great its good sense, moderation, and forbearance may become, its position, relatively to the other classes, will not be altered. It will still be the lowest class, for the pyramid will still be broadest at its base. Were the upper classes to remain stationary, the lowest class, it is true, would approach them more nearly; but so long as there were any upper classes at all, the change could only be one of degree. If, on the other hand, we suppose the whole classes to progress equally—if the man of labour counts for ten now, and the man of thought for twenty—their relation to each other would be the same if both are

doubled ; and a suffrage which valued them both at the lower figure would not exhaust the influences of the society of which they were members.

But there is no occasion for this extension of Mr. Mill's doctrine, in order that it should cut him off from the allegation in question. The fact of his assertion, that the government of the numerical majority is the government of a class, is quite sufficient ; for the government of a class cannot be the government of the whole, and the suffrage which brings only this class into play cannot express the whole influences of the community. If the class which it expressed were the highest class, the result would be the same.

*Third.* But in declaring the government of the numerical majority to be the government of a class which declines to recognise any influences from without, Mr. Mill leaves the reality of the recognition of the superiority of the higher classes

by the lower, *in a social point* of view, wholly untouched. He does not deny, I presume, that the "numerical majority" is most anxious to imitate the "upper ten thousand" in their manners, their habits, their modes of dress, and the like, that they desire to associate with them on almost any terms, and if possible to intermarry with them. Of this tendency, I think he will agree with me, that the lower classes in this country exhibit rather too much than too little. What he means by the assertion that they follow their own biasses, prepossessions, and modes of thinking, is, that this social adulation does not go the length of accepting the political leadership of the upper classes, or even of allowing any reasonable weight to their views and opinions; that in the arena of politics, the demos follows its own instincts, grasps at what seems to be its immediate interests, and if you entrust it with absolute power, will govern without reference to the political sentiments of

the rest of the community. It humbly appears to me, then, that Mr. Mill must either abandon his assertion, that the government of the numerical majority is the government of a class ; or else he must hold, with me, that the deference for the upper classes, which counts socially for so much, counts politically for nothing at all ; —in other words, that the translation from social into political influences does not take place.

On this latter point, then, I believe that, at bottom, there can be no real difference of opinion between Mr. Mill and myself, any apparent difference having probably originated in the imperfect manner in which I had stated my doctrine. But on the former point — viz. as to whether the true function of the suffrage be strictly representative, or educational and formative, we do, I suspect, really differ ; and this theoretical difference has led to some divergence of opinion as to the very important practical subject of the tests of

political capacity, and the measures of political right, which ought to be adopted as the basis of any remodelled or extended franchise. In accordance with his view, that intelligence is the only ground of claim to political power, and superior intelligence to superior power, Mr. Mill adopts education as the only basis of the suffrage, and educational tests as furnishing the only principle of its graduation. In accordance with my view, that all the influences which are really operative in the community ought to be mirrored by its representative system, I conceive that the tests ought to be as numerous as the influences which admit of being tested; and that the only limit to their multiplication, up to the point at which the influences are exhausted, is to be found in the difficulties of their practical application. A perfect representative system would be one which, so to speak, photographed society — the function of the suffrage corresponding to that of the

camera. Now, not intelligence only, but property, and many positions in society, are unquestionable elements of social weight, quite apart from any incidental guarantee for intelligence which they may afford. They can be tested and measured as easily, or more easily, than intelligence; and I contend that no suffrage which does not take cognisance of them, will ever permanently satisfy the requirements of this or any other old and highly organised and civilised community.

But the subject of tests is of such importance as to demand a separate chapter.

## CHAPTER VII.

### TESTS OF CAPACITY, AND MEASURES OF RIGHT.

WE have now reached the point at which we may discuss with advantage what, after the recognition of the principle of inequality itself, is really the most important subject, which will engage the attention of those to whom the further development of the constitution of this country has been, or may be, entrusted. I mean the arrangements by which that principle may receive practical recognition through the medium of a suffrage which shall, ultimately, embrace the whole community.

There is probably no error more widely diffused, or that springs more directly out of the characteristic infirmities of the national mind, than the belief that theory and practice are independent of

each other, and that it is possible for the latter to be sound and trustworthy whilst the former is false and foolish. "Never mind your theories," cries the genuine Englishman; "they may be all very well for German transcendentalists and Scotch professors, but they don't suit me. Just let me see how 'the thing' looks practically!" But alas for our typical countrymen, "the thing" will have no practical look at all till its theoretical character is fixed beyond all remedy; and in the end of the day, the look which it assumes will depend on the theory of which it is a realisation, just as inevitably as the place that our practical friend arrives at will depend on the road that he takes. Then there is another class of Englishmen, less genially, but nowadays I fear not less characteristically national, who believe in Statistics—who, as it has been wittily said, "have figures on the brain," "There is nothing like figures," they cry; "let us see how 'the thing' will count out." But till

“the thing” has been thought out, there is nothing to count out : statistics are idle till there is a problem to determine. These remarks, which are true generally, are specially true and obvious in the present instance; and must serve as my apology for the fulness with which I have stated and illustrated what I believe to be the true theory of Constitutionalism.

All the schemes which have been hitherto proposed for admitting the lower orders to participation in political power, without practically disfranchising the other orders—in other words, for working out the problem, “how to get a Parliament that best represents the types and varieties of national thought”<sup>\*</sup>—rest upon three grounds—

1. Property exclusively.
2. Education exclusively.
3. Social weight and value, whether measured by property, education, pro-

<sup>\*</sup> See a very able article in the *Spectator* for September 16, 1865, on “Professors of Politics.”

fession, office, or any other tangible criterion.

But each of these grounds implies a separate theory of politics, and our preference of one or another involves, whether we will or no, our adherence to that particular theory. If we adopt the first ground, and accept property alone as our criterion at once of right and capacity, we give in our adhesion to the theory which regards the state as a joint-stock company, the partners of which are entitled to share in its government in direct proportion to the extent of their investments. If we adopt the second, we regard the state as an educational institution, a sort of college, in the government of which each member is entitled to share according to the degree he has taken. Finally, if we adhere to the third, we declare the state to be an organism, a body-politic, composed, like the body-material, of many members, each of which, in justice to it and to the whole, must be permitted to discharge the

functions which its place assigns to it. According to the first theory, the state is all hands ; according to the second, it is all head ; according to the third, it is a perfect body, every member of which is entitled to act up to the measure, and agreeably to the character of the powers and capacities with which it is endowed.

It is true that these theories run into each other in all directions ; for hands are good for nothing without a head, and the head is impotent without hands, and the body would be no body at all if it did not recognise the necessity both of hands and head.

It is this inevitable connection which renders the adoption of either of the two first in some respects equivalent to the adoption of the other, and in a more limited sense equivalent to the adoption of the third. Property is a guarantee for intelligence in him who acquires it, and for education in him who inherits it ;

intelligence, whether it proceed from natural endowment or from education, is a guarantee for property; and either property or intelligence, if existing in any high degree, and both in a more moderate degree, are guarantees for some measure of social importance, and exist very frequently in conjunction with some sort of professional or official position. But all these guarantees are of a very imperfect kind. Property frequently exists apart from intelligence, as appreciable by any tangible criterion; and unless recognised as a substantive ground of claim to political power, may very possibly elude the cognisance of a scheme which professes to take account of intelligence only. That intelligence will fare no better with a scheme that takes cognisance of property alone is still clearer; and thus it is only the third theory, with its corresponding scheme, which really embraces the others.

It is obvious, then, that the two first

schemes, if defensible at all, must be defensible each on its own merits, as exclusive of the others, or including them only incidentally. It is in this point of view that their advocates maintain them. They are submitted each as yielding a satisfactory basis for the proportional enfranchisement of the whole community; and it is in this light that I shall endeavour to criticise them.

1. *The Joint-stock Theory, and Property Test.*—The great merits of the joint-stock theory are, that it is in possession of the field—that the property test, which alone it demands, is the test at once of rights and capacities with which history and experience have rendered us familiar; and that it adapts itself to the principle of graduation, not only with greater facility, but with greater precision than either of the others.

To these great advantages it joins that of being, in the eyes of those who hold the third theory, perfectly sound, so

far as it goes ; and of being, as I have said, acceptable even to the adherents of the second, though in a more modified sense and under a species of protest.

“ I do not deny,” says Mr. Mill, “ that property is a kind of test ; education in most countries, though anything but proportional to riches, is, on the average, better in the richer half of society than in the poorer. But the criterion is so imperfect ; accident has so much more to do than merit with enabling a man to rise in the world ; and it is so impossible for any one, by acquiring any amount of instruction, to make sure of the corresponding rise in station, that this foundation of electoral privilege is always, and will continue to be, supremely odious. To connect plurality of votes with any pecuniary qualification would be not only objectionable in itself, but a sure mode of compromising the principle, and making its permanent maintenance impossible. The democracy, at least in this country,

are not at present jealous of personal superiority; but they are naturally, and most justly so, of that which is grounded on mere pecuniary circumstances."

Though I assent to this condemnation of property as the *sole* basis of political recognition, I cannot but think that even in this sense it is somewhat summary. The possession of property, righteously acquired or legally inherited, and the assertion of the rights which that property brings along with it, do not deserve to be stigmatised; nor do I see any reason to believe that what has been the basis of our electoral law hitherto, would, if adopted as the basis of a system more perfect in other respects, be "odious" in the eyes of sensible men of any class. That it would be "justly odious" I positively deny. The lesson, that property must be recognised, not reluctantly as wrong, but gladly and cheerfully as the legitimate consequence of gifts and powers which God has given to men, is one of the first

lessons of civilisation—a lesson which those especially who regard the suffrage as an educational institution, ought to insist that it shall teach.

But if the second or educational scheme does not wholly repudiate the property test, the third, which I shall call the dynamical scheme, frankly embraces it; and this on two grounds: First, it is a criterion—rude it may be, but tangible, and, as we have seen, admitted—of intelligence. Second, it is a criterion of social weight and importance of a kind, which may be right or wrong, but the reality of which is quite undeniable, and which, as real, ought to be recognised by the suffrage. Whether you admit property as an element of political power directly or not, it will find its way to that position. You cannot exclude it *de facto*, and if you exclude it *de jure*, you simply separate your law from the basis of fact, which we have seen is its only true basis, and enact what you cannot enforce. You

thus commit a scientific blunder ; and as scientific blunders never fail to bring practical blunders after them, the practical error which you here commit is, that you set a premium on bribery, and, as I have already explained,\* *almost* justify its use. To state this view of the case at the very lowest, you tempt the wealthier classes to the commission of immoral acts ; and though it may not be the function of the suffrage to act directly as an incentive to virtue, any form of it which can be shown to act as an incentive to vice is surely thereby condemned.

But there are, if possible, yet stronger practical reasons than these for the adoption of property as the basis of electoral, and, as such, of legislative power. Of these, the following, as the most prominent, may be enumerated :—

*First.* Property, if righteous, merits the protection of the law.

*Ante*, p. 68.

*Second.* As all classes either possess, or aspire to possess property, it is for the common interest that it should be protected.

*Third.* Its protection demands the active interposition of the law far more frequently, and in far more varied directions, than either personal liberty or personal safety.

*Fourth.* This protection would scarcely be extended to it, unless direct legislative power were placed, to a very considerable extent, in the hands of its possessors.

In place of enlarging on these propositions, which, without comment of mine, will commend themselves to the reader, I shall extract the following very sensible observations from a pamphlet, which, like many of a kindred nature which have recently issued from the press, is the fruit of far more mature and dispassionate thinking than we were accustomed to a few years ago.

"Government" (says this writer, taking government in the limited sense of a great central police establishment, which is a true view of it, though not a complete one), "Government has mainly two functions to perform—1st, To protect persons; 2d, To protect property. Hence it would be manifestly unreasonable were the working-classes, who have the smallest share of the property of the country, to demand the power of returning a numerical proportion of members of Parliament. Property must be protected as well as persons, and therefore ought to be considered in every scheme for altering the present scale of representation. If we look into the Statute-Book, we shall be surprised to find how small a portion of our legislation regards persons, and how large a portion regards property. It would therefore be clearly both unjust and inexpedient that the non-property class should have the preponderating power in legislating regarding property ;

and that not their own, but the property of others. All persons individually may perhaps be considered as equal in the eye of the law in reference to protection. The law interposes its shield equally to protect the person of the poor as the person of the rich ; but in regard to property the demand upon the protection of the law by the poor and by the rich are different: the rich have much property to be protected ; the poor have little or none. The government of the country is therefore necessarily required much more for the former than the latter class.”\*

It is not my purpose to enter minutely or exhaustively into the special schemes which have been proposed for the introduction of a graduated suffrage founded on property. Should this test be adopted, the selection and elaboration of the scheme which shall ultimately prevail

\* *Manhood Suffrage combined with Relative Equality in Representation: a Contribution towards Parliamentary Reform.* By John Riddle Stodart, Esq. Edward Stanford, Charing Cross.

will demand special information, which I do not possess ; and which, as yet, perhaps, is scarcely in existence. But there are certain general characteristics that are assigned to it by the principles which it involves, and the object which it must seek to attain, and these it is quite possible to trace without the aid of the blue-books which threaten us ; whilst a knowledge of them may not impossibly serve as a guide to those to whom the task of calling these formidable compilations into being, may be entrusted.

1st, Such a scheme should be as simple and as economical as is consistent with its acting as a measure of the powers and rights of the whole community, in so far as these powers and rights originate in property.

2d, These qualities can belong only to a scheme which is based on a general system of direct taxation, and is coextensive with its range.

3d, To avoid the expense of new and

separate machinery for the valuation of property, the present income-tax, modified as to percentage, if necessary, ought to be retained and extended downwards.

By thus allying our representative to our financial system, the operation of the latter, far from being complicated or impeded, would be facilitated; an inducement to a full statement of each man's means being held out in the shape of a promise of corresponding political power.

Assuming this connection as a fixed point, several very ingenious schemes have been proposed; the *most* ingenious, in my opinion, being one recently advocated in *The Times* by Mr. Sidney Smith; and which, I understand, the late Professor Shank More of Edinburgh used to propound conversationally many years ago. Generally stated, it is to the effect that each voter should produce his income-tax receipt at the polling-booth, or registration office; and that the candidate for whom he votes should be credited with the sum

which he has paid. The result of the election, in so far at least as votes on the ground of property were concerned, would thus be determined by simply adding up the pounds, shillings, and pence, which stood at the credit of each candidate. It is obvious that this method would give to each elector the *exact* amount of political power which corresponded to his means, as constitutionally ascertained. Nor would it, I think, be at all a disadvantage, that, by voluntarily increasing his taxation, the voter might pass from one class of voters, under the graduated scheme, to another ; as this possibility would remove the feeling of injustice to those near the margin which is inseparable from the establishment of arbitrary lines, the system being still in a great measure free from the objections which would attach to granting votes in return for the payment of a voluntary tax, organised for that special purpose.

It is said that this latter scheme would

produce a large revenue, paid, as it were, by a sort of voluntary subscription. But any benefit which the revenue might derive from such a source would, I think, be too dearly purchased; for it would unquestionably lower the popular estimate both of the suffrage, and of the central power of the State which was maintained by what men would not fail to regard as an unworthy traffic. Its advocates, I believe, regard it as a means of shutting the door against bribery. I confess that I cannot see it in that light; on the contrary, it appears to me that it would facilitate it in more than one direction. A very general feeling that what a man had bought he might sell, would unquestionably arise; and if the annual payment were not very considerable (in the case of ordinary single votes it probably could not exceed a guinea), money would actually go farther in purchasing them than it does in purchasing votes under the present system. For whereas five thousand

guineas may now buy one thousand votes, but cannot create them; the same sum would then be enough both to buy and create them—the honour of having a vote counting for something in the purchase-money.

If property, then, be retained as a basis of the franchise, some scheme which connects the elector's voting power with, and proportions it to, his general taxation, must be adopted; and the one I have mentioned is unquestionably the most complete and the most symmetrical.

Notwithstanding these merits, however—or perhaps I ought to say in consequence of them—it is open to objections which, I fear, are fatal. In the first place, it assumes that a man's social importance, his political capacity, and the amount of protection of which he stands in need, increase in the same ratio as his means, whereas the ratio, in all the cases, is extremely different. Other qualities being equal, a man with £2000

a year is a bigger man than a man with £1000; and if not so represented, he will not be represented fairly. But he is not *twice* as big; and the scheme in question, by representing him as such, represents him falsely. In like manner, as regards men in the aggregate. It has been calculated, that if votes were proportioned to direct taxation, of every one hundred votes, eighty-three would go to the upper, thirteen to the middle, and four to the working classes.\* This calculation, I presume, includes the Peers, who, though paying taxes, as members of the upper classes, do not require to be represented, as such, in the House of Commons. It would consequently require very considerable rectification. But taking it as an approach to the truth, it leads to the inference that a direct property suffrage would throw into the hands of the wealthier classes an amount of influence

\* Professor Leone Levi's paper on the Suffrage, at the British Association, September 1865.

which would convert the constitution into an oligarchy, which would be very far from representing our existing society. Such a scheme would probably be just about as objectionable as that of a representation proportioned to numbers, by which it is said, that for every one hundred votes, four only would go to the upper, thirty-two to the middle, and sixty-four to the working classes—thus entirely annihilating the influence both of property and intelligence. The remedy which first suggests itself, of course, is the establishment of a different ratio of increase as regards taxation and political power—*e.g.* a geometrical ratio in the one case, and an arithmetical one in the other. But modify the scheme as you will, I fear it has too much of a doctrinaire character to be suitable for the purpose. It would be a squaring of society to numbers, not of numbers to society. We must look at society in the first place ; and try to discover

what are the effects of property in determining its character—what are the cases in which, and the extent to which, a change of means does really, in the general case, result in a change of position. Viewing the matter in this light, it seems to me that the *average* income of each class would determine the point at which an increase of political power ought to be conceded; because it is only when he passes from one class to that immediately above him, that the voter's wealth really tells socially. Let us suppose, then, that the average income of the working man is £50, and that one vote were assigned to him on payment of what would be the lowest amount of direct taxation; no increase of political power would be granted him till he reached the average income and corresponding taxation of what is called the lower-middle class,—which could not, I think, be fixed at less than £200 a-year. To a man possessed of this income two votes would be

given. In the general case, of course, he would already be possessed of one under the present system, and by doubling his direct voting power, something like his just position in the electoral system would probably be assigned to him. As the monopoly of the franchise is at present in the hands of this class of persons, it is needless to conceal from them that they must be losers by *any* extension of the suffrage, whether *vertical or lateral*, that can possibly be proposed; and it is amongst them that both the higher and the lower classes must look for their real opponents. The next step on the ladder might probably be about £500 a-year, which might be held to be a guarantee for a sensible increase both of social importance and personal intelligence. Three votes assigned to a man possessed of this income would not do more than translate into the language of politics what society already recognises with reference to him. From £500 I would pass on to £1000, or perhaps £1500,

which ought to be a guarantee for the highest amount of personal qualities ; and would represent such a degree of leisure as would enable the elector to respond to the calls which his increased responsibilities as a member of the body-politic would make upon him. As such a man ought, in every case, to possess an additional vote on the ground of education or professional position, one on the ground of property, beyond the last class, might possibly suffice. At from £2000 to £3000 you would pass into the class of persons whose substance, if not recognised directly, would begin to tell indirectly as political power ; and an additional vote, or even two, would be well expended in inducing them to refrain from its exercise, and binding them over to the principle of non-intervention. The last stages, short of the Peerage, might probably be fixed at £5000 and £10,000 a-year, and at each I would give a couple of votes.

These numbers I, of course, throw out

as mere suggestions, and rather for the purpose of illustrating the manner in which I conceive that a graduated suffrage might be constructed on the basis of property, than of aiding in its construction. It is very possible that the stages ought to be more, or less, numerous than I have indicated ; or that I have fixed the average incomes too high, or too low. On these points it is very far from my wish to dogmatise. But I feel strongly convinced that a suffrage, based on general taxation, and that recognises the existence of the various classes of society *without separating them*, is greatly to be preferred to one founded either on a special tax, whether general or local, or which, by setting apart a particular portion of the representation for particular classes by the creation of separate electoral districts, would cause political distinctions of a more absolute kind than society recognises in this country. Of the value of social classification it is my

intention to treat on a future occasion ; but it can never be too soon said, or too often repeated, that what defeats the objects of all social and political organisation, and renders it odious, is the creation of artificial lines of demarcation, which, though not in reality impassable, act as obstacles to the passage of individuals from one class to another. *Les carrières ouvertes*, let me repeat once more, was the true doctrine which, amidst all its falsehood and folly and wickedness, the Revolution proclaimed. It is against distinctions in kind, not in degree, that our common manhood instinctively revolts ; and such a distinction would be, at least apparently, involved in the creation of separate electoral districts, or of special constituencies. For these reasons, I must humbly dissent from Earl Grey's proposal,\* " that working men, *as such*, should be enabled to send to Parliament a limited number of members, who

\* *Parliamentary Government and Reform*, p. 212

would directly represent them." Why, we are all working men ; Earl Grey himself, when he prepared the elaborate and very able treatise from which these words are taken, being anything but an exception ; and the feeling which we must strive to awaken, or to strengthen in the lower orders, is, that we are willing to do them justice *as part of us*, not to permit them to do justice to themselves *apart from us*. It is a very great error to suppose that the work which the upper classes perform, and which, on the pain of sinking from their position, in a great measure they must perform, is inferior to that performed by the lower classes, either in extent or intensity. On the contrary, I believe it is very much harder work ; and that if statistics could be brought to bear on such a subject, it would not be difficult to prove that a far larger proportion of them are actually killed by it. Moreover, that it is work of a vastly more valuable kind is shown, to go no farther

than a very vulgar test, by the greatly higher price that must be paid for it when it is estimated by money. . The difference, then, of the various classes in this respect, if it exist at all, is a difference of degree; and as it is differences of this description in all directions—in wealth, intelligence, and, I hope, virtue—that distinguish the various classes without dividing them, these differences constitute, in my opinion, a sufficient reason for a graduated suffrage, which is a suffrage of various degrees, but not for separate suffrages, which are, or at any rate would be alleged to be, suffrages differing in kind.

I am aware that there is another ground apart from the special interests of the lower classes, on which this scheme is advocated by Earl Grey and others. Safety, it is said, with great truth, is to be found, not only in the multitude, but in the variety of counsellors; and in order to restore to Parliament that varied character which the disfranchisement of the smaller

boroughs, the abolition of various franchises, and other causes are supposed to have impaired, it is proposed that members of every class, including the class who labour with their hands, should be returned to Parliament. There is much in the observation, and I am far from disputing that the suggestion may deserve consideration as regards other classes. But as regards *this* class, just let us consider what would be its effects.

1st. You can get men who depend on their daily labour for their daily bread to go to Parliament, only by paying them. With a man of any other class, the question of his going to Parliament, or not, is a question of prudence or imprudence, of personal or domestic convenience or inconvenience. Some member of the class may always be found, who is able and willing to make the requisite sacrifice. But with the hand-worker there are no questions of this kind. The thing is impossible. He must be paid, then ; and to

the payment of members Earl Grey, like all other sensible men, from Aristotle downwards, is, I believe, decidedly opposed.\*

2*d.* But suppose this difficulty got over. The workman—whether he be paid by his fellow-workmen, or his fellow-countrymen, or be left to starve without pay altogether—the moment that he becomes a legislator must cease to work with his hands. St. Paul, it is true, made tents during the week, whilst he reasoned in the synagogue every Sabbath-day; and there is no reason why an enthusiastic representative of the sons of toil should not break stones, in place of shooting grouse, during the long vacation. But for ordinary mortals, in ordinary circumstances, the occupations are incompatible.

3*d.* What those who urge this view

\* As to the custom of paying representatives in modern times, and the citizens who attended the Ecclesia in Greece, see *Political Progress*, p. 167.

really want is not a man who does work, but a man who has worked ; and has thus, from personal contact, become acquainted with the thoughts and feelings of working men. But so long as society is kept open from top to bottom, any working man may, and some working men always will, rise to be members of Parliament on the ordinary conditions. Such men furnish, as it seems to me, all the elements of diversity which it is desirable should be contributed to Parliament by the least cultivated class ; with guarantees for ability which a mere selection by that class would not afford. It is in such men that the working classes have found their representatives hitherto ; and in them, I humbly think, they ought to be allowed to find them still.

2. *The Educational Theory and the Examination Test.*—The scheme which proposes to base political power upon mental qualifications, and to proportion it to their extent, is that which unques-

tionably enjoys the greatest amount of favour with the political theorists of the present time. As it has already had the advocacy of Mr. Mill's pen, and will doubtless now have that of his tongue, it would be worse than needless that I should say anything to commend it. That education will be recognised as a ground of political power by any Reform Bill at all likely to find acceptance in this country, I hope and believe; and that belief is to me the greatest source of confidence when I look forward to other changes which may be disastrous, and which I believe to be inevitable. But whilst I join with Mr. Mill in this hope, and shall thank him for every effort that he makes for its realisation, I am still not altogether at one with him; for I hold strongly the opinion, that education, in the sense of the acquisition of knowledge, or in any sense in which it can be ascertained by examination, is not in fact, and ought not to be recognised in

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law as the sole basis of political power. This opinion I rest on the following considerations :—

1st. The social importance of an individual is seldom coincident with the amount of knowledge which he possesses, or of direct mental training which he has received. By giving to the latter the fullest political recognition, therefore, you may fail to exhaust him socially ; whilst relatively to others you not impossibly assign to him an amount of political power which his social value does not warrant. Take, for example, the representative of one of our great commoner families ; or a merchant-prince, who is in a condition to negotiate a foreign loan. Any number of votes which should represent their intelligence merely, would not represent their real actual social value ; or disarm them of the power, or of the right, of seeking to represent themselves by indirect means. It is impossible to imagine any examination in which the usher of the nearest

grammar-school would not be extremely likely to surpass them both. Now the usher of a school may be really the superior of an ancient country gentleman, or a new merchant-prince ; but it is very certain that social opinion in this country does not recognise him as such, and I do not think it belongs to the suffrage to redress the wrong that society does him. If, by the help of the educational appliances at his disposal, he can induce the next generation to reverse the judgment of the present, he will be entitled to the benefit of the reversal ; but till the reversal is pronounced, the judgment must stand, and he must accept the consequences of it politically, as in other respects.

2d. But suppose we adhere to Mr. Mill's view, that personal qualities alone are to be taken into account, the examination test, even "if there existed such a thing as a really rational education, or a trustworthy system of general examin-

ation," would not measure them. It is the indefinable quality called *character*, far more than anything that can be either taught or learnt, that distinguishes man from man in after-life. The amount of knowledge demanded by the callings which they have chosen, the majority of men are able to acquire; and a very large minority do actually acquire it. But the character requisite for their successful exercise is intransmissible, unattainable, and wholly inappreciable by examination; and yet it is its presence or its absence that determines not only between success and failure, but, I think also, between political importance and insignificance.

3*d*. But even if we accept knowledge as a substitute, or as a guarantee, for all other personal qualities, I doubt the adequacy of examination as a test of knowledge; and this on grounds somewhat different from those I have usually heard stated. There are not only kinds,

but there are degrees of knowledge, very important for political purposes, and which admit of being ascertained by other means, which elude it altogether. Take, for example, the professions. It is only the rudiments of professional knowledge which can be tested, or are even proposed to be tested, by any examination, however stringent. The gulf which divides the tyro from the expert,—the briefless junior of yesterday from the senior whose presence is priceless, and whose mere absence men are willing to purchase with half their substance,—is as great, even as regards knowledge, as that by which the young aspirant to forensic honours and emoluments that will never come, is separated from the vulgar laity without. A single glance, such as the income-tax commissioners are in the habit of directing annually at the fee-books of these professional brothers, will furnish an indication, not infallible certainly, but very significant, of their respective acquire-

ments, and of the differences between them ; whereas the examination-test to which they have both already submitted has not improbably pronounced them equal.

But though it appears to me that education, as a solitary basis for political power, would be quite as objectionable as the property basis to which we are accustomed, or perhaps even more so ; I do not think there would be the same objection to education being represented by separate constituencies, that there would be to the creation of such constituencies within the borders of the property basis itself. From the fact, that most individuals who would be competent to vote under an educational qualification would be the possessors of property, and would vote on that qualification also, no absolute line of demarcation between classes would be traced by the formation of separate educational constituencies.

All persons, however, who are competent to vote on the educational basis at all, ought, I think, to vote *together*, though not *equally*. By this I mean that if a university, for example, grants ordinary or honorary certificates, as the result of what are called middle-class examinations, the holders of such certificates—associates or whatever else they may be called—ought to vote as members of the same constituency with the graduates of that university, though not on equal terms with them.

Almost all practical statesmen are agreed as to the value of the small boroughs in enabling men of eminence, not possessed of popular qualities, to find their way into Parliament without submitting to the harassing and somewhat degrading ordeal of canvassing large constituencies. One of the grounds on which Earl Grey urges the formation of separate constituencies on the educational basis,

is, that they might perform the same service to the legislature and to the country. His Lordship's other plea in their favour appears to me also to have much force: "The object of giving additional weight in the national councils to men of cultivated minds, would," he says, "be more effectually answered by creating special constituencies of the kind I have described, than by conferring additional votes, in the ordinary local elections, on persons who possessed some high educational qualification, as suggested by Mr. Mill. If those who voted in respect of the educational franchise were merely entitled to give more votes than others in the elections for the places where they lived, their influence, scattered through the whole nation, would be comparatively little felt, and there would be no certainty that they would anywhere be able to secure the return of the candidates they would prefer; whereas, by concentrating their influence, and forming them into

separate constituencies, a direct representation would be ensured to them.”\*

Whether these advantages would more than counterbalance the loss of simplicity occasioned by departing from a uniform mode of voting, is a point on which I do not feel competent to offer an opinion. In the English universities, and the university of Dublin, such separate constituencies already exist, and as the conversion of the vested rights of their members into an equivalent number of local votes would be attended with inconvenience, they will probably be left on their present footing, and the principle of them extended to the other universities. Whether the principle ought to be carried farther, and other separate constituencies, professional and the like, created, as Earl Grey has suggested, is a subject on which I entertain very grave doubts. But that it is possible to represent the whole community, *dynamically*, in separate portions,

\* *Parliamentary Government*, p. 212.

as well as cumulatively, is perfectly true; and in this point of view I shall have a few words to say on the proposal in the next section.

3. *The Organic Theory, and the Dynamical Tests.*—The third of the theories I have enumerated, and that to which, as the reader knows, I myself adhere, represents the state neither as a joint-stock company, nor yet as an educational institution, but as an organic body, of whose various powers and faculties the representative system, and the suffrage as its instrument, are bound to take cognisance *as they are*, without in the slightest degree inquiring *how they ought to be*. According to this theory, the question, whether property, or education, or anything else, be the most *desirable* basis for political power, is a question which cannot present itself to those whose duty it may be to frame a Reform Bill. As legislators, or speculative politicians, they may entertain it from other points of view; but as representa-

tive reformers, their inquiry will be simply, What are the agencies to which this character belongs, as matters stand, and in what proportions may they claim it? To the second branch of this inquiry, the special answer must be deferred till the publication of statistics of a more definite kind than we yet possess. To the first branch of it we have already responded, to the extent of recognising both property and education as legitimate foundations for political power. The only question that remains is, Are there any other forces existing in the community, in point of fact, which, in accordance with this theory, are entitled to claim political recognition in point of law?

*First.* To this question I reply, in the first place, not without anxiety certainly, but without hesitation, that there is one which sooner or later we must recognise, and which probably we shall do more wisely to recognise soon than late;—I mean simple manhood, existing within

the pale of the constitution—coupled, that is to say, with citizenship, and free from disqualifying accompaniments such as pauperism, criminality, and bankruptcy. That it is manhood, and not either property or education, which forms the groundwork of our social system, and as such is the true starting-point for our representative system, I hold to be as evident as that we are all men before we are either proprietors or scholars.

Without the characteristics of manhood, physical and mental, we can neither acquire nor know. With these characteristics, even if we should avail ourselves of them to a very limited extent, we are already powers in the State. The mere potentiality of their use is a claim to political recognition under the dynamical theory, very limited certainly, but very real. It is a claim which the *Conclamatio* of our Saxon ancestors, and our own Show-of-hands, may possibly have satisfied hitherto; though our representative

system would in my opinion be safer, as well as more symmetrical, if we were to recognise it expressly by assigning to it a unit of direct electoral power. Till this step is taken, there will always be an excluded class, and a standing grievance. The distinction between the last class and the others will be a distinction of kind; whereas I hold it to be an axiom of constitutional law, that all class distinctions are distinctions of degree.

*Second.* There is, as it seems to me, a certain accession of power, which in the case of the normal citizen is acquired, independently both of property and education, by the ripening influence of years. It is only an exceptionally worthless fellow who lives wholly in vain. If a man is good for anything at all at twenty-one, as a general rule he will be good for something more at thirty-one, forty-one, perhaps at fifty-one, when his mere human and citizen qualities may perhaps be held to culminate.

The age test,\* as a ground for an increase of political power, possesses, over all others, the superiority of being least likely to excite envy. There are few men who do not give way cheerfully and willingly to their seniors. All men, moreover, are interested in it on their own account, because every man who continues to be a man is sure to grow older. Moreover, that capacity for the exercise of political power will progress with increased experience, is a fact which we may take for granted, in the general case, with as much safety as that it will keep pace with the accession of wealth, or even of knowledge.

*Third.* There are no doubt other grounds of social weight and importance, which, should the dynamical theory prevail, maybe entitled to lay claim to political recognition. Theoretically, none ought to

\* See a very ingenious article on "Political Equality," in the *Law Magazine* for May 1864, in which this suggestion will be found.

be excluded of which the value is real ; practically those alone will be admissible of which the value is readily demonstrable. Of these latter I shall specify only two—professional and official position. To some extent the first will find expression under the educational, and the second under the property qualification ; but in neither case, I think, to the full measure of their value. To define their claims, however, would lead us into questions for the solution of which I do not possess the requisite data, and which may well be postponed to a later stage in the discussion of the doctrines of Constitutionalism than we have yet reached.

I shall conclude this chapter with a draft of a schedule representing the action of the dynamical scheme. By means of it the reader, whether he adopts the numbers I have set opposite each ground of qualification, or substitutes others which seem to him nearer to their true value, will at once discover what proportion of

the representation, or, in other words, how many votes, would fall to himself, or any friend, or enemy, he may select. The numbers, of course, will be the ultimate bone of contention between the two parties, who, I believe, are destined at no distant date to divide the whole political inheritance between them—the Democrats, of course, claiming preponderance for mere citizenship, or for citizenship and age—the Constitutionalists striving to vindicate the claims of property and intelligence. A glance at this table will, I trust, serve the farther purpose of correcting the very prevalent error of supposing that by introducing a graduated suffrage, and still more by recognising a plurality of separate grounds of claim to political power, we necessarily introduce a complicated system of *voting*. The number of votes to which each man had established his claim at registration, whether the grounds of claim were few or many, being entered opposite his name in

the polling-book of the district in which he resided, it is quite plain that at the election one man would give *ten* votes just as easily, and just as quickly, as another man would give *one*. Any difficulty that did arise would arise at registration; and as the ground of claim must, as I have said, be all of a kind that admits of being at once established, I do not see that any difficulty need arise even there. It is *easier*, indeed, to prove that a man pays so much income-tax, that he is a graduate of a university, or a member of the bar, than to prove that he lives in a house of a certain value, that he has succeeded his father, or that he has acquired by collateral inheritance, marriage, marriage-settlement, or *mortis causa* disposition, or by appointment to any place or office, property which would qualify as above. Let any man read over the county and burgh qualifications enumerated in the Reform Act, either for England, Scotland, or Ireland—for they are all different—and

compare them with those I have enumerated here, and then ask himself honestly, Which are the simpler and the more easily proved? and I am quite willing that his answer should determine the merits of my proposal.

SCHEDULE to be filled up with the NUMBER OF VOTES assigned to each Member of the Community.

GROUNDS OF CLAIM.		Number of Votes claimable on each separate Ground.
General Primary Qualification.	Citizenship, majority, and the absence of any disqualification .	
Age and Political Experience	10 years' electoral experience with minimum age of 31 years . 20 do. with minimum age of 41 years 30 do. with minimum age of 51 years Ex-member of Parliament .	
Property Qualifications	Present suffrage for existing voters, or payment of income-tax on £50 for new voters . Payment of income-tax on £200 Do. do. 500 Do. do. 1,000 Do. do. 2,000 Do. do. 3,000 Do. do. 5,000 Do. do. 10,000	

<p style="text-align: center;">GROUNDS OF CLAIM.</p>	<p>Number of Votes claimable on each separate Ground.</p>
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">Education</div> <div style="font-size: 3em; margin-right: 10px;">{</div> <div> <p>Reading and writing to dictation .</p> <p>Middle-class certificate . . .</p> <p>University degree of M.A. or B.A.</p> </div> </div> <p>Profession...Divinity, law, or medicine . . .</p>	

As the few figures I had written down for the purpose of illustration were eagerly seized upon and wrangled over by many critics of the first edition, who had nothing to say against the principle of graduation for which alone I contended, I have here omitted them altogether.

## CONCLUSION.

UNDER the head of "My Duty towards my Neighbour," the Church Catechism admonishes me "to order myself lowly and reverently to all my betters." Nearly all that I have contended for in these pages has been, that this simple admonition should be extended, *somehow*, from the spheres of religious and social, to that of political duty. The scheme for the universal recognition and subordination of political rights, with which I have concluded the last chapter, I throw out simply as an illustration of the manner in which it appears to me that the duty of giving place to our political betters may be performed, without sacrificing those individual rights which God has given each of us into his own keeping,

and the vindication of which is likewise a duty. Fully alive to its probable deficiencies, I attach no particular importance to this scheme in any more special sense. Let us recognise the true principle on which the basis of our political system is in future to be widened ; let us accept society for the time being as it is ; and determine that legal recognition shall henceforth wait upon existing fact ; and all will be well. There is no want of ordinary business aptitude, or of ingenuity, in the manipulation of details in this country. Were the principle of the law clearly laid down to a couple of clever actuaries, and the facts necessary to determine its concrete manifestation ascertained for them, by commission or otherwise, I am convinced that, in two or three days, they would work out the problem of positive law, or, in other words, would draft a Reform Bill the fairness of which all classes would be *compelled* to acknowledge. Without such a preliminary statement of

principles, the collective wisdom of the legislature may wallow for generations in vain in the quagmire of statistics.

It is the same confidence in the practical ability of my countrymen which delivers me from the anxieties which many feel about the machinery of representation. In so far as I can pretend to have an opinion on this branch of the subject, it appears to me that Mr. Hare's scheme for collecting the suffrages of the community, would be a very great improvement on that at present in use, and would completely obviate the great injustice which the non-representation of minorities unquestionably occasions. If I am correct in this opinion, however great may be the innovation which it will occasion, I entertain no doubt of its ultimate adoption. But no method of collecting suffrages, however ingenious, will alter the character of the suffrages we collect; no machinery, however perfect, will convert

false suffrages into true suffrages ; and suffrages, proceeding on the assumption that all men are equal, will be false suffrages to the end of time.

Nor is it in fixing the true character of the domestic suffrage alone that the beneficial influence of recognising the principle of "honour to whom honour is due," would be felt. In international politics, whilst its action would be exhibited on a wider field, its effects would not be less sensible, or less immediate. I shall give two examples of the advantages which I think would follow from the substitution of the doctrine of relative for that of absolute equality, in this direction.

*First.* The failure of the Treaty of Vienna to reconstruct the map of Europe in accordance with the exigencies of the situation—or, to use a phrase with which the reader is familiar, to place law on the basis of fact—has given rise, on the Continent, to an incalculable amount, not only

of war and bloodshed, but of speculation and discussion—the true principle of nationality being, for the most part, the point at issue. Of the innumerable treatises and pamphlets which it has been one's fortune or misfortune to peruse on this subject, the most temperate and the ablest with which I am acquainted, is that of Count Mamiani;\* and I shall therefore select it as exhibiting the doctrine of nationality in the maturest form to which it has attained.

To the question, "What is a nation?" or rather, to take up the subject on its immediately practical side, "What ought the public law of Europe to recognise as a State?" the Count's reply is "a moral unity"—a combination of individuals, not necessarily homogeneous in race, or

\* *Rights of Nations ; or the New Law of European States applied to the affairs of Italy.* By Count Mamiani, Minister of Public Instruction in the Kingdom of Sardinia. Translated from the Italian, and dedicated by permission to Earl Russell, by Roger Acton.

hedged in by strongly-marked geographical boundaries, but held together by the *will to be one*, deliberately and unequivocally expressed. So far well. I think Count Mamiani has discovered the true test of political existence, and indicated to us the means of escape from an endless infliction of ethnological and topographical twaddle. But what I desiderate, and what he himself does not hesitate to indicate is wanting, is an answer to the farther question—How is this will to be ascertained? “The subject,” he says, “is in a great measure new, because formerly the will and judgment of the peoples were not reckoned an element entering, as it were, into the arduous problems of diplomacy. The practice of publicly and solemnly interrogating their vote has now indeed begun to be introduced. But from its having been quite in abeyance, and held by many potentates in abhorrence, the books of the political jurists do not acknowledge or determine

its rightful or convenient discipline. Begin this task now, ye great doctors of the law, ye who are negligent to examine this matter, whilst ye have been so diligent to enumerate all the causes which may render a private contract or testament invalid, for want of a sincere and enlightened purpose in the testator or contracting party."

The Count himself has held various academical appointments, and is no mean doctor of the law; but he indicates, expressly at least, no other method but the so-called plebiscite, or declaration of their wishes by all the adult males of the community whose destinies may be in question, voting freely *and equally*. Now the plebiscite, thus understood, is essentially a democratic institution, exposed to every one of the objections which cleave to Democracy within the State; and Count Mamiani is no Democrat. Even if it were honestly administered (which, apart from all external interference, I believe to

be impossible, so long as there are other influences in society besides those which belong to mere numbers), it would represent the community as no community in Europe ever was, or can be, and as Count Mamiani assuredly has no desire that it should be—viz. as an inorganic aggregate of equal units. But call in the principle of relative equality, let each vote be proportioned to the social value of its possessor by any scheme which might accord with the constitution of society, and the plebiscite would become an expression of the will of the community as an organic whole; and might be very well admitted by all advocates for autonomy, as indicating the presence of a right to separate national existence, or as a guide for determining the national destiny on some other footing. Whatever objections might still attach to it in the eyes of the legitimist—who holds that nations were made for kings, and may be transferred, like other chattels, by wills and marriage-

contracts—it would be free from those which cannot fail to prejudice it with the moderate progressive party, of which Count Mamiani, through life, has been so consistent a member and so great an ornament.

*Second.* The smaller States of Europe constantly complain that the five great powers, which compose what is called the European Pentarchy, exclude them from *all* participation in deliberations which have reference to the balance of power, and other matters in which their interests and their very existence are involved. Of this complaint Count Mamiani has constituted himself the mouthpiece. “In the Paris Congress of 1856, it cannot be denied,” he says, “that the Pentarchy still continued its illegitimate dominion.”\* The greater States, on the other hand, allege that nothing short of an absolute equality of votes will satisfy the repre-

\* P. 318.

sentatives of the smaller powers, and that such a pretension being utterly preposterous, the only course open to them is to insist on their absolute exclusion. Both allegations are accurate, both complaints are just; and they owe their justice, as it seems to me, to forgetfulness of the principles for which I contend. So long as the independence of the smaller States is recognised, the difference between their rights and those of the greater States, is a difference of degree; and their total exclusion from the common counsels, consequently, is a wrong. So long as the territories of Europe are unequally divided, and as the populations which inhabit them are unequal in numbers, cultivation, wealth, and power, a declaration of the legal equality of all independent nations is a falsehood; and its vindication, if it were possible, would be a wrong also. It is in a due subordination of nations, just as of individuals, that order can alone be combined with liberty,

so as to render possible the realisation of either. Could this subordination in external politics be effected, diplomatists might yet see their way to what is pedantically called the Areopagus; and the public law of Europe might cease to be the byword into which it has been the unhappy tendency of recent events to convert it.

Were I to indicate all the practical results which, like green and fruitful branches on the tree of life, I believe would spring from the adoption of the true principle of human relations within the political sphere, I should convert this little tract into a treatise, and by diverting the attention of the reader from the grave domestic question on which it is my desire to concentrate it, should defeat the primary object of its publication. But, at the risk of carrying his thoughts for a moment to interests which concern us as a nation only indirectly, before I close these parting words, I must call his

attention to the fact, that the doctrine of relative equality offers a means of escape, and I think the only one, from the difficulty of assigning to members of an inferior race (if such there be) their political position in those countries in which their presence, as free men, is a *fait accompli*. Negro suffrage is commonly regarded in this country as a *reductio ad absurdum* of the claim for an unlimited extension of political power. But even negro suffrage ceases to be an outrage on justice and common-sense, if the negro's claim for equality *de jure* be urged only up to the point at which his equality *de facto* may be established, now or hereafter, by the ordinary tests which are applied to the other members of the community to which he belongs.

That the ultimate designs of the Almighty with reference to any portion of His creatures are hidden from us, is surely no reason why we should not recognise the position which, for the present, He has

assigned to them, or permitted them to acquire. Let us apply to them *all* the true principles of political science, in the highest and most perfect form in which these principles are known to ourselves; let us speak the *whole truth*, to them and of them, boldly and openly; and trust that they will believe us when we assure them that it is the truth alone that will make them free. If we approach them thus as reasonable beings, perhaps we shall find that even the least endowed of them are more reasonable than we dared to hope. But let us place no confidence in their ultimate moderation and forbearance, if, by promising them measures of simple enfranchisement, and "Reform Bills without tricks,"\* we tempt them to assert an equality which we know to be false, and then scare and bewilder them and drive them to fury, by turning on them, and telling them, at the last, that uni-

\* Mr. Bright at Bradford.

versal suffrage "is the grave of all temperate liberty, and the parent of tyranny and licence."\*

\* Earl Russell's *English Government and Constitution*, p. 263.

THE END.

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